

1887-8.

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1887-8,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN TEN VOLUMES.

VOL. II.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.

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LEGISLATIVE ASSEMBLY.
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OF

1887-8.

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1887-8.

NEW SOUTH WALES.

MILITARY FORCES OF THE COLONY.

(ANNUAL REPORT FOR 1887.)

Presented to Parliament by Command.

REPORT of the Major-General Commanding on the Military Forces of New South Wales for the year 1887 :—

Permanent Artillery.

THE strength of the corps on the 1st January last was 371 of all ranks out of an establishment of 376. The enlistments during the year amounted to 72, as against 65 in the previous twelve months. The number of men lost to the service were as follows :—By desertion, 28 ; deaths, 9 ; discharge, 55 ; total, 92,—as against 188 in 1886. The discharges are subdivided under the following heads :—On termination of limited engagement, 24 ; by purchase, 4 ; medically unfit for further service, 5 ; free, 1 ; incorrigible and worthless, 8 ; with ignominy, 1 ; services no longer required, 5 ; not likely to become efficient, 5 ; convicted of felony by civil power, 1 ; by authority of Governor and Commander-in-Chief, 1.

The distribution of the corps is as follows :—

	Officers.	Other Ranks.
Victoria Barracks	9	221
Dawes' Battery ... ..	...	12
Middle and George's Heads	1	39
Bradley's Head ... ..	...	1
South Head	1	36
Steel Point ... ..	...	1
Bare Island	1	20
Newcastle	1	28

The courts-martial numbered 30, and committals by summary award of the commanding officer 27, as compared with 60 and 50 respectively of the previous year ;—thus showing a decided improvement, which may be partly attributed to the weeding out of men of indifferent antecedents and character, who were hurriedly and somewhat indiscriminately enlisted during the war scare of 1885.

The fact of greater attention being now paid to the comfort and amusement of the men in barracks, and the establishment of a gymnasium, in addition to the library and recreation-room, no doubt exercises a beneficial effect on the general conduct of the corps. A better system of lighting the barrack-rooms, especially at the Heads, is much required, and would conduce materially to additional comfort.

Courses of instruction have been carried on during the past twelve months under Colonel Bingham, R.A., consisting in all of 5 officers, 18 non-commissioned officers, and 53 men, who, with those who have previously passed through the hands of the Imperial Instructors in 1886, give a total of 9 officers, 39 non-commissioned officers, and 152 men, thus forming a respectable nucleus of efficient gunners. It may here be mentioned that, in addition to affording instruction in Artillery subjects, the Imperial Instructors have given assistance in a variety of ways—such as serving on Boards on warlike materiel of every description, superintendence of drill, and firing, Boards of Examination, &c., and in point of fact they have been generally useful. To Colonel Bingham especially my thanks are due for his cordial support and co-operation. Major Bunbury has evinced great zeal and interest in his work, and has voluntarily prepared for publication "Notes on Elementary Gunnery," also "Notes on Armour, and the Artillery Defence of a Fortress," which will be of use to the Artillery forces. Captain Milward has also done good work in connection with the Cavalry Brigade and Field Batteries.

The clothing of the corps, although appearing in a presentable condition at my inspection, has nevertheless been the source of considerable dissatisfaction, owing to the lateness of the annual supply ; besides which the contractor's failure in this respect necessitates the issue of a large sum of money by way of compensation for the delay.

The small arms and accoutrements were in good order, but in many instances the belts were not kept up to the standard to be expected of the regular soldier. A notable exception, however, was in the case of the Newcastle and Botany detachments, which passed inspection generally, in a manner highly creditable to the officers in command of those stations.

The drill as a rule was only fair, excepting that of the Armstrong detachments, which was good. Irregularities were noticed in the kits of No. 3 Battery. The books and records were generally well kept and posted, but that complete and uniform method which marks the Imperial Service in this respect is still wanting.

The various barracks and offices were found in a clean and creditable condition, as far as they could be so maintained by the corps. The drainage scheme for the Victoria Barracks is near completion, and when finished their sanitary condition will be much improved. The irregular and independent action of the contractor for the emptying of closets, ash-pits, &c., keeps those receptacles in a condition dangerous to health, and the source of much annoyance, notwithstanding frequent reports on the subject have been preferred.

All the outlying forts, ordnance, and magazines were maintained in good order, as also were the stores, as far as could be judged by what must necessarily be but a cursory inspection on my part. It has however been discovered that the ammunition in the Southern District had, in certain instances, much deteriorated, and a Board was detailed to inspect and report upon the condition of the ammunition throughout the command.

The Permanent Artillery, in addition to their ordinary employment, have done a large amount of work in mounting, dismounting, and transporting ordnance, removal of ammunition, cleaning and painting guns, &c.

Staff-Surgeon Major Williams delivered a six weeks' course of lectures on ambulance, stretcher, and bearer drill, to the officers, non-commissioned officers, and men of the corps. Besides giving attention in class, they evinced considerable skill in carrying out the practical part of the work. At the end of the course, a field-day was held, and the formation of a collecting and dressing station, with the removal of the wounded, proceeded with, and gave satisfactory results.

Surgeon Major Williams, in medical charge of the Permanent Artillery, reports, that during the past year 103 recruits presented themselves for examination. Of this number, 98 were passed, and 5 rejected. Of the former number, 25 were for re-engagement, and 29 Ex-Imperial soldiers. The average chest measurement of the men passed was, $37\frac{3}{4}$ inches; height, 5 feet $8\frac{3}{4}$ inches; weight, 10 stone $10\frac{1}{2}$ lb.; and the physique generally quite up to that of previous years.

There were 280 admissions to the Garrison Hospital in 1887, many of the cases being of a slight nature, and only detained until fit for duty; 16 cases detained under 24 hours; 63 under 72 hours; 81 under 168 hours. The diseases may be summarized under heads of:—

Respiratory organs	24
Nervous disorders	11
Disease of eye and skin	13
General	93
Genito-Urinary organs	49
Alimentary canal	28
Injuries... ..	58
Malingering	4

There were five deaths in hospital during the year, in addition to which three gunners were unfortunately drowned by the upsetting of a boat at Botany, on the 24th September, and one gunner committed suicide at Middle Head, on the 11th November.

At my annual inspection (and at other times) I have found the hospital clean, and in good order, and in all respects, as far as I am able to judge, conducted in a manner creditable to all concerned.

The prisoners in the military provost were usefully employed, and thus saved a certain amount of expenditure, which would otherwise have fallen upon the public, and the Provost Serjeant-Major continues to perform his duties to my satisfaction, and on the lines laid down by the Imperial regulations for the conduct of such establishments.

Volunteers (partially paid).

The returns show on the 1st of January last, a strength of 2,680, out of an establishment of 2,831, or 151 short, which may be accounted for by the fact, that all corps are of necessity subject to slight fluctuation by men leaving, and the difficulty inseparable from forming recruit squads of workable numbers. Three or four corps show a decided inability to maintain their establishment, and it may shortly become a question as to their retention in this branch of the service.

The clothing, arms, and accoutrements, I found generally in good order, except in the case of accoutrements of Nos. 1, 7, and 8 Batteries Volunteer Artillery, and the Molong Corps Volunteer Infantry—a condition distinctly to be traced to the persistent neglect of commanding officers to inflict fines. This points to the conclusion that these officers are either incapable of appreciating and acting up to their responsibilities, or that they wilfully neglect their duty,—either through fear of their men, or to enjoy a cheap popularity at the expense of the Service. I cannot hold the Regimental Staff free from blame in this respect, as it is clearly their duty to make officers do their work or resign.

As regards the Volunteer Artillery, I found the drill, as a rule, very fair, and in cases good. Although more occasion has been taken to drill at the Heads, and on the guns they would have to use in action, the want of a School of Instruction, on a small scale is much felt, and until one is erected in a central position, this branch of the Service cannot possibly be as efficient as it should be. Neither officers, non-commissioned officers, nor men, enjoy the leisure necessary to enable them to attend the school at Middle Head.

The drill of the Torpedo Corps, as far as it goes, is very fair; but as has been frequently pointed out officers and others serve under disabilities which preclude them obtaining a thoroughly practical knowledge of their work, and we can but hope that the question may at some time or other be taken up in a spirit which will place greater advantages in their way.

The drill and work carried on by the Engineer Corps is good and sound, for in addition to the modelling shed, which offers special facilities for instruction, the corps requirements are of a nature to be easily supplied.

Classes of instruction have been held by Major Penrose, R.E., in addition to his general superintendence of the work of the Torpedo and Engineer Corps. This officer has also been employed on details connected with fortifications, preparation of plans, specification, &c., and has otherwise been of great assistance, sparing neither pains nor trouble to render his services as useful as possible.

The Infantry drill was generally good with two or three exceptions.

The general conduct and discipline of this branch of the force is satisfactory, and the number of efficient is 73 per cent. as compared with 74 of previous year. Considering the exacting standard required for efficiency and the depressed state of the labour market, this percentage may be taken as very satisfactory.

ANNUAL CONTINUOUS TRAINING.

This consisted of six and nine days respectively, and was held at Easter, at the National Park and Middle Head. The former was attended by 1 troop of Reserve Cavalry (Lancers), 1 Field Battery of Permanent Artillery, 1 Field Battery of Volunteer Artillery, 1 Company of Engineers, and 4 Regiments of Infantry, numbering 2,121. In addition to this number a Battalion of 500 Reserves also stayed in camp from Friday till Monday, both days inclusive. Middle Head was attended by 591 Artillery and Torpedo Corps, in addition to 229 of the Permanent Artillery.

At the National Park, two Brigades were formed, and were exercised in work common to service in the Field—such as Guard and Outpost duties, Cavalry and Field Artillery exercises, and stable duties. Company, Battalion, Brigade, and Divisional drills, both in close and extended order. The attack and defence of positions. The construction of rifle-pits, shelter-trenches, gun-pits, &c., visual signalling by flags, heliograph, and by lamps. At the Middle Head Camp, the Artillery was exercised in the usual artillery work.

In regard to the Torpedo Corps, I regret to observe that, although a regular programme of work had been previously prepared, which, amongst other things, embraced the laying out and maintaining efficient a Mine-field, which, in anticipation, had been duly proclaimed and buoyed off, the necessary steamer was not forthcoming, and consequently next to no real work could be attempted, and the corps was deprived of the one annual opportunity of doing some real practical submarine mining.

In the words of Major Penrose, R.E., "It cannot be too strongly impressed upon the Government, that experiments with small charges in Berry's Bay are almost useless towards training men to submarine mining work. What is wanted is good practical work with real mines, real cables, and in rough tidal waters. This can only be attained during the time of continuous training." It is needless to add that a steamer of the miner class, as recommended by me in January, 1883, and subsequently, is absolutely essential if this corps is to be made efficient. If such a steamer was available, she could also be used as the Artillery Guard Boat in place of that at present hired, at a cost of some £700 or £800 per annum. I consider it here unnecessary to refer to other disabilities under which this branch of the service has permanently laboured, inasmuch as they are alluded to in General Schaw's report; but sufficient has been said to give some idea of the obstacles Lieutenant-Colonel Cracknell and his officers have met with in attempting to carry out their important duties.

The bearing of the men in both Camps left nothing to be desired. An excellent spirit, as usual, prevailed the force, and a loyal support was given by all ranks to the military authorities in their endeavour to make the annual training as valuable as possible. One point is deserving of special commendation, viz., that notwithstanding on the day upon which the six days training ended, and when the whole force was free to leave the Camp without prejudice to their efficiency, and when the Camp was flooded out, fires extinguished, with little prospect of the weather clearing, out of a force of 2,121 at National Park, but 91 returned to their homes. If anything were needed to prove the staunchness of the men, and their esprit de corps, this should be sufficient. This continuous training is assuredly of the highest importance, and the additional drills performed throughout the year, keep up the military spirit, and some knowledge of the valuable work done at Easter.

VOLUNTEER RESERVES.

The strength of the Reserves amounts to 2,345, as compared with 2,711 of previous year; but this includes several corps doing no drill, but merely awaiting the decision of the Government as to the continuation of their services under less exacting conditions.

The clothing, arms, and accoutrements were, as a rule, in fair order.

The drill of the Cavalry was, with one exception, very fairly performed, and the Tabulam troop is especially to be commended.

Nos. 11 and 12 Battalions of Artillery acquitted themselves creditably, the former markedly so in gun drill and knowledge of duties.

The Infantry drill I found, at my inspection, to be in many cases indifferent, some very fair, and in a few instances good. The Infantry Corps, which appear to me to be in the most satisfactory condition, are Scottish Rifles, Dubbo, Young, Glen Innes, Mittagong, Inverell, Hunter's Hill, Ashfield, Marrickville, Newtown, Uralla, Armidale, Grafton, Tenterfield, Cooma, Queanbeyan, and Bega.

The difficulties mentioned in my last report as to the sergeant instructors is being gradually got over, and the fact of Commanding Officers reporting irregularities and want of attention on the part of the same is bearing fruit. I should be failing in my duty were I not to specially mention the good work done by the Reserves who joined the Camp at the National Park for instruction, from Good Friday until the following Monday inclusive. Under the adverse circumstances of wretched weather, all duties were performed with cheerful alacrity, deserving of every commendation.

The number of efficient is still very low, being but 1,246, or 53 per cent. At the same time it is to be borne in mind that the disorganized condition of some corps heavily handicaps the force in the above respect.

A large number of corps, by reason of disabilities quoted in my last report, have, from time to time, shown a desire to be embodied as Reserve Rifle Companies, and it is to be hoped that the Government, by conceding thereto, will retain the services of men likely to form a valuable and economical addition to the military strength of the Colony. In my opinion the gain to the country, by banding these men together, has something more than a military significance, and no further time should be lost in taking advantage of the patriotic spirit so generally exhibited throughout the country.

MUSKETRY.

MUSKETRY.

The numbers under the partially paid system passed through the course of musketry, exclusive of Artillery, is as follows:—

Engineers...	...	...	...	...	...	...	...	36
Torpedo Corps	...	...	...	...	...	...	...	38

INFANTRY.

1st Regiment	...	...	...	...	...	...	...	403
2nd Regiment	...	...	...	...	...	...	...	375
3rd Regiment	...	...	...	...	...	...	...	382
4th Regiment	...	...	...	...	...	...	...	354
Total	...	...	...	...	...	...	...	1,588

The classification is as follows:—

Marksmen ...	...	...	...	...	...	...	...	496
1st class shots	...	...	...	...	...	...	...	892
2nd class shots	...	...	...	...	...	...	...	468
3rd class shots	...	...	...	...	...	...	...	261

with percentages of 31·22, 55·15, 28·88, and 15·97 respectively, showing a vast improvement in the shooting of the force, as may be judged when it is mentioned that the figure of merit in 1885 was 26·79; in 1886, 39·56; and in 1887, 63·93. This satisfactory improvement may be traced to the attention and exertions of Captain Cuthell, the Officer Instructor of Musketry, Mr. Warrant Officer Furnish, and the Musketry Staff.

The best shooting Company is Richmond, with figure of merit of 93·49. Sergeant Fisher, of the Orange Company, 3rd Regiment, deserves especial mention as having made 154 points out of a possible 160.

During the biennial course required of Reserve Corps, it appears that for the years 1886–87 901 men went through the complete course; and here I may remark, in fairness to the Reserves, that it is manifest the Musketry figures quoted by General Schaw in his report had reference solely to the former year. Much difficulty has all along been met with in reference to providing suitable ranges, and consequently the instruction has been limited in extent. It would be obviously unfair to quote a general figure of merit, but it may not be out of place to note the Queanbeyan Corps as topping the list with 60·80.

CHANGES IN WORKS AND ARMAMENT.

Beyond completing the armament of armoured casemate battery at George's Head with three 10" 18-ton guns, transferred from other works, but little has been done.

The Gun Sites Committee, alluded to in my last report, have reported upon the steps necessary to utilize the new armament, and the re-arrangement of the Artillery defence generally, which from time to time has been communicated to the Government.

AMMUNITION AND STORES.

A large portion of the order sent to England in 1885 for guns, carriages, appliances, ammunition, machine guns, torpedoes, and rifles, has been received, but, in consequence of the want of storage, materiel has, in some instances, been placed under sheds, awaiting the completion of the necessary works.

With the exception of dropping gear, the order for Swartzkoff torpedoes has been completed; but here again, for want of proper storage, these delicate and expensive weapons are kept at Dawes' Battery, Berry's Bay, and Fort Denison, and the fighting heads in the powder hulks.

In a great measure it has been impossible (as with the guns, &c.) to have the cases opened, the different parts cleaned, examined, put together, and mistakes rectified, so that, from deterioration, &c., I should not be surprised if the original cost is considerably increased, before all the gear can be said to be in proper working order.

One set of air-compressing machinery for Swartzkoff torpedoes has been set up, and found to work well, and two torpedoes were connected up, adjusted, and used with success during the last Easter encampment by Lieutenant Bosanquet, R.N., who, I may here remark, has for nearly two years had the offensive torpedo materiel and boats in charge. These latter have been taken out monthly, and had the machinery kept in order by labour furnished from the "Wolverene" through the courtesy of Mr. Walker, the chief engineer. Lieutenant Bosanquet has also formed voluntary classes from the Naval Artillery Volunteers, and instructed two crews in the use of the torpedo. Other classes now under a course of instruction will furnish men enough from this corps to work eight torpedo boats.

In consequence of the disconnected and generally irresponsible system of defence which unfortunately obtains, this officer, although not responsible to any military or naval officer, has on occasions found it necessary to apply to me for assistance, &c., and I therefore feel that I may properly refer to his services.

The insufficiency of torpedo stores quoted in last year's report, still exists.

Artillery, and small arm ammunition is maintained according to scale.

GENERAL REMARKS.

The most noteworthy incident during the past year, and one which should exert a potent influence on the local defence question, has been the action of the Government in calling in the assistance of Major-General Schaw, C.B., R.E., who is a specialist of the first order in respect to fortifications, armament, and torpedoes.

Major-General Schaw has given advice which, I think, but few would venture to call in question, and I am persuaded that if his views are in the main carried out, the Colony will possess a thoroughly reliant system of defence. The tendency to panic and abnormal expenditure usually attendant on war scares will also be reduced to a minimum.

I consider it my duty to refer to that portion of the General's report which touches upon the organization of the Volunteer Infantry Forces under the partially paid system, because an erroneous impression seems to have been formed therefrom.

It

It will be gathered that the General condemns the existing organization of the Volunteer Infantry, because *the number of the rank and file per regiment is too small*, and consequently extravagant and bad for discipline and efficiency.

The question then arises,—how did this state of affairs come about? Simply because the Government of the day required a reduction in the annual expenditure of the Military Forces, which could only be effected by a reduction of the *personnel*. This principle was advisedly applied for the most part to the rank and file, in order that the *cadres* of regiments might be maintained as far as possible, such being the best known method of evolving a war strength from that maintained during peace. It must be patent to all, that it is far easier and quicker to build up an efficient military body by the absorption of men, who, like the rank and file require but little training, than of those of the higher ranks, for in the one case it takes months and in the other years to make the efficient soldier. In point of fact this is the way the General himself proposes to raise battalions to a war strength, viz., by the incorporation of undrilled men into the ranks.

I think it may therefore be assumed that General Schaw did not intend to reflect upon the military administration, but rather to allude to the occasion which necessitated the reduction of regiments to skeleton proportions.

I now beg to draw attention to the wholesale manner in which the camp equipage has been habitually used for purposes other than military, and notably in the loan of tents to the unemployed. Some hundreds of these have, from time to time, been thus destroyed, and the Department saddled with the cost of renewal. It may possibly be necessary, in the interests of the public, to occasionally draw on the military stores; but I respectfully hold that the articles so drawn should be by purchase, and the Military Department thus enabled to replace stores, &c., with as little delay as possible.

Some short time prior to the reduction of the establishment of the Volunteer Force under the partial payment system, all details connected with the formation of a Volunteer Ambulance Corps were drawn out by Surgeon Major Williams and, had not the depletion of regiments intervened, the matter would have been brought, in due course, under the consideration of the Government. This will yet be done, should General Schaw's recommendations be accepted as to increase of strength.

The formation of the Centennial Park has deprived the Head Quarter Forces of their rifle range, and unless another is speedily substituted, the annual course of musketry for these must be abandoned. From a military point of view, this is a serious drawback to efficiency, and one which in other respects will have a very disheartening effect. The new ground selected some time ago at Randwick, and recommended for resumption, appears to be well suited for the advanced requirements of the Service.

In conclusion, I trust that Legislative action may shortly be taken to bring the partially-paid Volunteer Force under a Militia Act, for to all intents and purposes, it is a militia serving under conditions admirably suited to local exigencies. This organization, besides being generally in touch with that of the sister Colonies, is also calculated to facilitate the adoption of measures for the federal defence of Australia, when such may be deemed desirable.

Head Quarters, Sydney, 16 March, 1888.

JOHN S. RICHARDSON,
Major-General Commanding.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMPERIAL MILITARY OFFICER.

(CORRESPONDENCE RESPECTING PROPOSED ENGAGEMENT OF.)

Ordered by the Legislative Assembly to be printed, 30 May, 1888.

The Principal Secretary of State for the Colonies to His Excellency the Governor.

Sir,

Downing-street, 31 January, 1888.

I have the honor to acquaint you that Her Majesty's Government have had under their consideration the proceedings of the Colonial Conference, in relation to the suggestion that provision should be made for the periodical inspection of the Colonial Military Forces by an Imperial officer of high standing. The discussion on this subject, reported at page 292 of the Proceedings of the Colonial Conference, has no doubt been under the consideration of your Government, and I have been in communication with the Secretary of State for War with reference to his letter printed at page 362 of the Proceedings. Mr. Stanhope has informed me that so soon as the necessary arrangements have been made with the Colonial Governments, His Royal Highness the Commander-in-Chief will be prepared to nominate a competent officer to carry out the wish of the Colonial Governments.

From the tenor of the discussion at the Conference I gathered that what the Australasian Colonies would desire is the employment of an officer of high standing and reputation to advise, in the first instance, as to the organization of the various local forces on a uniform system, so as to enable those forces to co-operate effectively in time of need; and, further, that periodical inspections of the Colonial forces should be held in subsequent years by the same or by some other capable officer.

In order to assist the Colonies in jointly considering the subject, I have ascertained from the War Office that the pay and allowances of a Lieutenant-General on the Staff, which is the rank of an officer competent to hold the proposed periodical inspections recommended by His Royal Highness the Commander-in-Chief, would be at the rate of £2,573 5s. per annum, besides travelling expenses.

The officer would require the services of an aide-de-camp, which would involve an additional charge of about £400 a year for pay and allowances, exclusive of travelling expenses.

I shall be obliged by your Government considering the whole question in conjunction with the other Colonial Governments, in order that it may be ascertained at an early date whether all the Colonies will take part in providing for the proposed inspection, and that the proportions in which the cost will be borne by the Colonies concerned may be defined.

I have, &c.,

H. T. HOLLAND.

Col. Sec.—C., 6/4/88.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

Sir,

Premier's Office, Melbourne, 29 December, 1887.

When you were in Melbourne in last September we discussed, among other subjects, the importance to these Colonies of obtaining the services of a distinguished Imperial officer to inspect and report on our Colonial Military Forces generally, but more particularly to advise as to the best scheme for the organization of all the Australian Military Forces, for the purpose of an united defence in case of invasion. The name of Lord Wolsley was mentioned as the Military Officer whose advice and suggestions would have force and would command respect.

The proposal that an Imperial General Officer should occasionally inspect the Australian Forces has received the approval of the Right Honorable the Secretary of State for War, and the concurrence of His Royal Highness the Field Marshal Commander-in-Chief, as intimated in Sir Henry Holland's circular of 16th June last.

I therefore think it would be well if the Colonies would at this juncture unite in pressing upon the Imperial Government the importance of at once granting the services of the distinguished officer referred to.

It is true that the correspondence indicates that a General Officer would be "nominated" by His Royal Highness; but inasmuch as what is desired on this occasion is not merely an inspection of Troops, such as any General Officer might make, but the highest military advice as to united action of the Colonies in case of an invasion, I trust there will be no impropriety in our asking specifically for the services of Lord Wolseley.

With this object I would suggest that each Governor may be asked to communicate with the Secretary of State for the Colonies, and urge compliance with this proposal.

I forward a memorandum on the subject from the Minister of Defence, Sir James Lorimer.

I have, &c.,
D. GILLIES,
Premier.

[Enclosure.]

Memo. for the Hon. the Premier.

Defence Department, Melbourne, 28 December, 1887.

THE question of having a periodical inspection of our Colonial Military Forces by an Imperial General Officer of distinction was considered by the Colonial Conference, and there was a general expression of opinion that such an inspection would be highly desirable, and that a report by such an officer on the organization of our Forces and on the efficiency or otherwise of our means of defence against a hostile attack would be of great value to the Colonies.

Believing that there is absolute unanimity of opinion on this question on the part of the Australian Governments, and being aware that the Home Government and the authorities of the Imperial War Office highly approve of the idea, and that the Secretary of State for War will be anxious to comply with our wishes, I recommend that a joint application be at once made by the Australian Governments for such an inspection as I have indicated.

You will remember that when the Premier of New South Wales, Sir Henry Parkes, was in Melbourne last September, I suggested that Lord Wolseley should be the first Officer to be applied for, and that Sir Henry thoroughly approved of the suggestion.

I am sure all the Australian Governments would recognize the importance and the value of an inspection by that distinguished officer, and I know from personal intercourse with Lord Wolseley while in London that he would gladly visit Australia on such a mission if he had permission and was appointed to do so.

It must be obvious that the proposed inspection must be by an officer of the highest distinction, who could speak with such authority as to leave no doubt in the public mind as to the value and the weight to be attached to whatever advice he might deem it desirable to give.

Accordingly I strongly recommend that an urgent appeal be made to the British Government to appoint Lord Wolseley to inspect and report on the Military Forces of the Australian Colonies and to afford us such advice and assistance as our several circumstances may require, and which Lord Wolseley is so pre-eminently fitted to give.

JAMES LORIMER,
Minister of Defence.

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P.,
Victoria.

Sir,

Colonial Secretary's Office, Sydney, 27 January, 1888.

In acknowledgment of your letter of December 29, proposing that application be made to the British Government for the services of a distinguished Imperial officer to inspect the system of defence in these Colonies, I desire to say that the subject has been under consideration by this Government, and will be further and more fully considered.

Circumstances which, if not imposing difficulties, at least present grounds for careful examination and some delay, will render me unable to give a definite reply for a short time.

Assuming that this Government should ultimately concur in your proposal, it has been suggested by competent men here that Sir Frederick Roberts, who is an artillery officer, might probably be the best authority for our purposes.

I have, &c.,
HENRY PARKES.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Melbourne, 10 February, 1888.

I have the honor to acknowledge the receipt of your letter of the 27th January, in reply to mine of the 29th December, stating that the question of inviting an Imperial Military Officer to inspect the Colonial Military Forces is under the consideration of your Government, and suggesting the name of Lieutenant-General Sir Frederick Roberts, R.A., as a suitable person to carry out the proposal in the event of its adoption.

I have, &c.,
D. GILLIES,
Premier.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Melbourne, 9 March, 1888.

With reference to previous correspondence relative to the proposed inspection of the Colonial Military Forces by an Imperial Military Officer, I beg to inquire whether you are yet in a position to give the views of your Government in the matter.

If so, I shall esteem it a favour if you will be so good as to inform me as to the decision at which you have arrived on the subject at your early convenience.

I have, &c.,
D. GILLIES,
Premier.

The

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P.,
Victoria.

Sir,

Colonial Secretary's Office, 30 March, 1888.

In reference to the subject of your letter of the 9th instant, and of previous correspondence, namely, the advisableness of securing the services of a military officer of high rank and reputation for the inspection of the Defence works of these Colonies, either continuously or at stated periods, this Government, while admitting the value and importance of your proposal, does not at present see its way to join in an engagement of so serious a character, in which it would have so little definite guidance in choice, and at the same time so much difficulty in estimating the precise consequences. It is only after much consideration that we have arrived at this conclusion.

In the necessary preparation and organization for our defence we must act for ourselves, and rely upon our own resources as in other scarcely less important provinces of self-government.

I have, &c.,

HENRY PARKES.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Melbourne, 29 March, 1888.*

With reference to the circular despatch of the Right Honorable the Secretary of State for the Colonies, dated the 31st January (a copy of which you have doubtless received), relative to the proposed inspection of the Colonial Military Forces by an Imperial Military Officer, I have the honor to again invite your attention to my letter of the 29th December, No. 4,884, on the same subject, regarding which you stated that you would be unable to give a definite reply for a short time.

I shall be glad if you will favour me, as early as convenient, with an expression of the views of your Government on the subject, as a joint response to the circular from the Colonial Office is desirable.

I may state that the Governments of Queensland, South Australia, Tasmania, and Western Australia, as well as that of Victoria, are favourable to the proposal.

I have, &c.,

D. GILLIES,

Premier.

*NOTE.—This letter was only received here on the 3rd April, and therefore has crossed the reply sent on the 30th March.—C.W., 3/4/88.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New
South Wales.

Sir,

Premier's Office, Melbourne, 9 April, 1888.

I have the honor to acknowledge the receipt of your letter of the 30th ultimo, and to express regret that my letter of the 29th idem was not received by you before yours was despatched, as there were some considerations mentioned in it which might justify a reconsideration of the conclusion arrived at in the letter now under acknowledgment. The first was the consideration of the despatch of the 31st January last, from the Secretary of State for the Colonies, which had just been received. The second was the intimation of the concurrence of so many of the Colonies in the proposal.

It is to be remembered that the question was originated at the late Colonial Conference in London, and that the important feature of the proposal contained in my letter of the 29th December last, was that a high military authority should "advise as to the best scheme for the organization of all the Australian Military forces for the purpose of an united defence in the case of an invasion."

This suggestion is within the scope of the proposal contained in the second paragraph of the despatch of 31st January referred to, and is described as "the organization of the various local forces on a uniform system, so as to enable those forces to co-operative effectively in time of need."

There appears from your letter to be some misapprehension about the proposal being one "for the inspection of the defence works of these Colonies." So far as I know the inspection of the defence works forms no part of the proposal; had it done so, I should agree with you that a proposal to reconsider the whole of our defence works was "of so serious a character," and involved "so much difficulty in estimating the precise consequences," as to justify the Government in declining to approve it.

In that light it is probable that I am to understand the last paragraph of your letter, in which you say "we must act for ourselves, and rely upon our own resources." No doubt that is true; but I feel sure that it is not intended to convey a determination to assume a position of isolation even on the occasion, it may be, of a great national emergency; or that any Colony would refuse to join the others in organizing a system to enable those local military forces, which have been provided and are now maintained by the Colonies at great cost, to co-operate effectively in time of need. Such a course would be quite opposed to that recently adopted in the matter of Naval Defence, when we all acted on the principle of helping one another.

I hope, therefore, that, seeing there is no proposal that an officer should inspect the "Defence works," your Government will, on reconsideration, approve the proposal contained in the despatch of the Secretary of State, that an officer should report on the best means to secure "the organization of the various local forces on a uniform system, so as to enable those forces to co-operate effectively in time of need."

I have, &c.,

D. GILLIES,

Premier.

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1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CAPTAIN A. H. P. SAVAGE, PERMANENT ARTILLERY.

(PAPERS, &c., RESPECTING APPOINTMENT.)

Ordered by the Legislative Assembly to be printed, 14 March, 1888.

RETURN to an *Address* adopted by the Legislative Assembly of New South Wales, on 6th March, 1888, That there be laid upon the Table of this House,—

“Copies of all papers and correspondence in connection with the appointment of A. H. P. Savage to the rank of Captain and Adjutant of the “Permanent Artillery.”

(Mr. Wall.)

The General Officer Commanding the Military Forces to The Principal Under Secretary.

Sir,

Head Quarters, 26 July, 1887.

I have the honor to recommend that an additional Subaltern Officer be appointed to the Permanent Artillery on account of the recent increases to the strength of the corps, works, and artillery armament.

Incident to the above, I have also to recommend that the Adjutancy of the corps should, as in the Imperial service, be filled by an officer supplementary to the establishment of officers per battery. To this end I beg to suggest that Lieutenant Arthur Henry Patrick Savage be promoted to the rank of Captain.

This officer has served as a Subaltern for nearly nine years, and for some time has acted as Adjutant, to the satisfaction of his commanding officer. He is also senior qualified Lieutenant on the general list of the Military Forces.

I have, &c.,

J. S. RICHARDSON,

Major-General Commanding.

Submitted for approval.—C.W., 27/7/87.
18 Oct., 1887.

Minute for the Executive Council herewith.

Minute for Executive Council.

Subject :—Promotion in the New South Wales Artillery.

Colonial Secretary's Office, Sydney, 18 October, 1887.

I RECOMMEND the promotion of Lieutenant Arthur Henry Patrick Savage, of the New South Wales Artillery, as Captain and Adjutant in that corps, to take effect from the 1st instant.

HENRY PARKES.

Approved.—Carrington, 19/10/87.

EXTRACT from Minute No. 59, 18th October, 1887.

Minute No. 59,
18 Oct., 1887.

THE Council advise the following appointments in the Public Service, viz. :—

Lieutenant Arthur Henry Patrick Savage, New South Wales Artillery, to be Captain and Adjutant in that corps. To date from the 1st instant.

ALEX. C. BUDGE,
Clerk of the Council.

By His Excellency the Right Honorable Charles Robert, Baron Carrington, a Member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

To Lieutenant Arthur Henry Patrick Savage, of the New South Wales Artillery.

Know you, that I, Charles Robert, Baron Carrington, the Governor and Commander-in-Chief aforesaid do, by virtue of the power and authority in me vested by the Act of Parliament passed in the thirty-fourth year of Her present Majesty's Reign, and intituled "An Act to provide for the regulation and discipline of the Military and Naval Forces in the service of Her Majesty's Government in New South Wales," hereby appoint you, the said Lieutenant Arthur Henry Patrick Savage, to be Captain and Adjutant in the New South Wales Artillery, to take effect from the first October instant.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, in New South Wales aforesaid, this twenty-fourth day of October, in the fifty-first year of Her Majesty's Reign, and in the year of Our Lord one thousand eight hundred and eighty-seven.

(L.S.) CARRINGTON.
By His Excellency's Command,
HENRY PARKES.

Entered on Record by me, in REGISTER OF PATENTS, No. 13, page 92, this twenty-fifth day of October, one thousand eight hundred and eighty-seven.

For the Colonial Secretary and Registrar of Records,
CRITCHETT WALKER,
Principal Under Secretary.

The Principal Under Secretary to The General Officer commanding the Military Forces.

Sir,

Colonial Secretary's Office, Sydney, 28 October, 1887.

Referring to your letter of the 26th July last, 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 promote Lieutenant Arthur Henry Patrick Savage, of the New South Wales Artillery, to the rank of Captain and Adjutant, to take effect from the 1st instant; and to transmit to you herewith the Commission that has been prepared in his favour accordingly.

2. I am desired to add that the appointment has been duly notified in the *Government Gazette* of the 25th of the present month.

I have, &c.,
CRITCHETT WALKER,
Principal Under Secretary.

The Principal Under Secretary to The Under Secretary for Finance and Trade.

Sir,

Colonial Secretary's Office, Sydney, 28 October, 1887.

I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to promote Lieutenant Arthur Henry Patrick Savage, of the New South Wales Artillery, to the rank of Captain and Adjutant, to take effect from the 1st instant.

I have, &c.,
CRITCHETT WALKER,
Principal Under Secretary.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

OFFICERS OF PERMANENT AND VOLUNTEER CORPS.

(NAMES, DATES OF APPOINTMENT, RANK, &c.)

Ordered by the Legislative Assembly to be printed, 21 September, 1887.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24th June, 1887, That there be laid upon the Table of this House, a Return showing—

- “(1.) The names, present rank, pay, and allowances of the officers
“composing the Permanent and Volunteer Staff, also the officers of the
“Permanent Artillery, with date and grade of first commission, and
“particulars of promotion.
- “(2.) The pay and allowances of officers of similar rank in the Imperial
“Army.
- “(3.) The names of those officers who have belonged at any time to the
“Imperial Service, stating the arm to which they belonged, the rank held
“by them, and their period of service.
- “(4.) The names (if any) of those officers who have at any time been
“attached to any foreign army or navy, with particulars of rank and length
“of service.
- “(5.) The names of such officers as have never belonged to any but the
“Colonial Forces.
- “(6.) The names of such officers who have graduated at Sandhurst,
“Woolwich, or other military or naval academy or school,”

(*Mr. Hawthorne.*)

OFFICERS OF PERMANENT AND VOLUNTEER CORPS.

RETURN showing:—The rank, pay and allowances, date and grade of first commission, with particulars of promotion, of officers of the General Staff, Permanent Artillery, and Volunteer Permanent Staff. Pay and allowances of similar ranks in Imperial Army. Rank and service in Imperial Army. Rank and service in any Foreign Army or Navy. Those who have only Colonial Service, and those who have graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service : Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks.	
GENERAL STAFF.									
Major-General Commanding.	John Soame Richard-son, C.B.	Pay, £600 per ann.; forage for 2 horses, quarters, stabling, rations, fuel and light.	17 Feb., 1865, Lieut.-Col.	Col. Commandant, 26 August, 1876; Major-General Commanding, 15 Aug., 1885.	£1,700 per ann., including usual allowances, besides allowances for 3 servants, as also table money. Special allowance, if serving in N.S.W., £205 per annum. Retired pay, from £600 to £700 per ann. Pension to widow, £120, and to each child, £20, per annum.	Ensign, 72nd Highlanders, Nov., 1854; Lieutenant, Nov., 1855; Captain, 12th Foot, July, 1863. 10 years.	Nil.....	Educational and professional examination on entry into the Imperial service. Examination for promotion to the grades of lieutenant and captain.	Crimean Campaign, 1855-56: Siege and fall of Sebastopol, with 72nd Highlanders. New Zealand War: Taranaki, 1860-61, with 12th Regiment; volunteered from 2nd Battalion, and served with 1st Battalion 12th Regiment in Waikato Campaign, 1863-4. Soudan Expedition, 1885: Commanded New South Wales Contingent, Suakin; advance on Tamai; mentioned in Despatches, <i>London Gazette</i> , 25 August, 1885. Crimean medal and clasp, Turkish war-medal, New Zealand medal, Egyptian medal with clasp for the Soudan, and Companionship of the Order of the Bath.
Lieutenant-Colonel, Chief Paymaster.	Thomas Baynes.	Pay, £365 per ann.; forage for 1 horse, lodging allowance, stabling, rations, fuel and light.	25 June, 1861, Lieut. and Adj., Sydney Batt. Vol. Rifles.	Capt., Brigade Adj., and Quarter-Master, 1 Aug., 1865; Brig. Pay and Qr.-Master, Nov., 1871; Major, 7 September, 1874; Lieut.-Col., 1 Jan., 1880.	Pay, £456 5s. per annum. Special allowance, if serving in N.S.W., £123 per ann.; forage for 1 horse when in the field, quarters, fuel and light. Retired pay, from £250 to £365 per annum. Pension to widow, £90, and to each child, £16, per annum.	11th Foot—Sergeant-major. 27 years.	Nil.....	Nil.	
Major, Assistant, Adjutant-General.	Henry Douglas Mackenzie.	Pay, £400 per ann.; forage for 1 horse, lodging allowance, stabling, rations, fuel and light.	31 July, 1877, Lieutenant, Permanent Artillery.	Capt., Per. Artillery, 28 Oct., 1878; Adj. of Bde. and Staff Officer of Artillery, N.S.W. Contingent, from 27 Feb. to 28 Mar., 1885, with tem. rank of Major; Major and A.A. General, 29 Mar., 1885.	Pay, £456 5s. per annum; Colonial allowance, if serving in N.S. Wales, £91 5s. per annum; forage for 2 horses, servant's allowance, quarters, stabling, fuel and light. Retiring allowances: After 12 years, gratuity, £1,200; after 15 yrs., £1,600; after 18 yrs., £2,000; after 20 yrs., pension from £200 to £300 per annum. Pension to widow, £70, and to each child, £14.	Royal Navy—Joined, 1863; Sub.-Lieut., 1869; Lieut., 1872; retired, 1874. 10 years and 10 months.	Nil.....	Passed H.M.S. "Excellent" and Royal Naval College.	Soudan expedition, 1885: Suakin; advance on Tamai; served as Brigade-Major in New South Wales Contingent; mentioned in Despatches, <i>London Gazette</i> , 25 August, 1885. Medal and clasp.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service: Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks.	
<i>GENERAL STAFF—continued.</i>									
Major, Deputy Assistant Quarter-Master General.	James Edward Doidge Taunton.	Pay, £350 per ann.; forage for 1 horse, stabling, rations, fuel and light.	31 July, 1877, Lieutenant, Permanent Artillery.	Capt. and Adj., Vol. Art., 4 Nov., 1878; Brevet-Major and D.A.Q.M.G., 18 July, 1885; Maj., 29 June, 1887; Act. Major of Bde., from 3 March to 3 July, 1885.	Pay, £383 per annum; Colonial allowance, if serving in N.S. Wales, £91 5s. per annum; forage for 1 horse, servant's allowance, stabling, lodging, fuel and light. Retiring allowances: After 12 years, gratuity, £1,200; after 15 yrs., £1,600; after 18 yrs., £2,000; after 20 yrs., pension, from £200 to £300 per annum. Pension to widow, £70, and to each child, £14, per annum.	Infantry, 50th Foot—Ensign, April, 1864; Lieut., Oct., 1871 to 1875; Instructor of Musketry. 11 years.	Nil.....	Passed military examination at Chelsea, 1863, for direct commission; subsequently passed for grades of Lieut. and Captain, as also Special Army examination; in possession of 1st-class extra certificate from School of Musketry, Hythe.	New Zealand Wanganui campaign, 1864, '65, and '66; present at repulse on camp at Nukamara, and storming of Putahi Pah, and affair at Kakaramea. Medal.
Captain, Instructor of Musketry.	William Andrew Cuthell.	Pay, £300 per annum; forage for 1 horse, lodging allowance, stabling allowance, rations, fuel and light.	11 Mar., 1885, Capt., Acting Adj., 2nd Regt., and Instructor of Musketry.	Captain, Instructor of Musketry, 1 May, 1885.	Pay, £383 per ann.; Colonial allowance, if serving in N.S.W., £76 13s. per ann.; servant's allowance, forage for 1 horse, stabling, lodging, fuel and light. Retiring allowance: After 12 years, gratuity, £1,200; after 15 yrs., £1,600; after 18 yrs., £2,000; after 20 years, pension from £150 to £200. Pension to widow, £50, and to each child, £12, per annum.	Infantry, 1/15 Foot, from 1866 to 1870; Lieutenant 92 Highlanders, from 1870 to 1874; Captain half-pay, from 1874 to 1876; Musketry Training Militia, 1870, with honorary rank of Captain. Total services, 10 yrs.	Nil	Sandhurst; passed 31st out of 300 cadets; holds 1st-class certificate from School of Musketry, Hythe	
Surgeon-Major.	William Daniel Campbell Williams.	Pay, £350 per annum; forage for 1 horse, lodging allowance, stabling allowance, rations, fuel and light.	1 Oct., 1883, Staff-Surgeon.	Surgeon-Major, 18 July, 1885.	Pay, £365 per ann.; special allowance, if serving in N.S.W., £91 5s. per ann.; forage for 1 horse, quarters, stabling, fuel and light. Retiring allowances: After 10 years, gratuity, £1,200; after 15 years, £1,800; after 18 years, £2,500; after 20 years, pension from £1 to £1 5s. per diem. Pension to widow, £90, and to each child, £14, per annum.	Royal Naval Artillery Volunteers; London Brigade—Gunner. 6 years.	Nil	At Aldershot, August, 1886, as 1st-class instructor in bearer column drill by competitive examination; passed first in senior class. This certificate not held by any other officer in the Australian Colonies.	Soudan expedition, 1885: Suakin; advance on Tamai; mentioned in special Despatch by Sir Gerald Graham, V.C., K.C.B., dated Soudan, 5th July, 1886. Medal and clasp.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service: Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks	
IMPERIAL OFFICERS—MILITARY INSTRUCTORS.									
Lieutenant-Colonel and Brevet-Colonel.	Edmund George Henry Bingham, R.A.	Pay, £800 per annum; forage for 1 horse, lodging allowance, stable allowance.	8 September, 1885, Lieut.-Colonel.	Brevet-Colonel, 21 December, 1885.	Pay, £328 10s. pr. ann.; if in command, £55 extra; special allowance if serving in N.S.W., £123 pr. ann.; forage for 1 horse, quarters, stabling, fuel and light. Retiring pension from £250 to £365. Pension to widow, £90, and to each child, £16, per annum.	Royal Artillery—Lieutenant, 13 January, 1869; Captain, 31 Dec., 1879; Major, 12 May, 1885. 16 years and 4 months.	Nil.....	Royal Artillery Academy, Woolwich.	Soudan Expedition, 1885: Suakin; action at Hasheen; advance on Tamai. Medal and clasp.
Major	Cooper Penrose, R.E.	Pay, £700 per annum; forage for 1 horse, lodging allowance, stable allowance.	8 September, 1885, Major.	Nil.....	Pay, £547 10s. per annum; special allowance if serving in New South Wales, £91 5s. per annum; forage for 1 horse, quarters, stabling, fuel and light. Retiring allowances: After 12 years, gratuity, £1,200; after 15 years, £1,600; after 18 years, £2,000; after 20 years, pension from £200 to £300 per annum. Pension to widow, £70, and to each child, £14, per annum.	Royal Engineers—Lieut., 11 September, 1873; Capt., 10 June, 1885. 11 years and 9 months.	Nil.....	Royal Military Academy, Woolwich, and School of Military Engineering, Chatham.	South African War, 1879. Medal.
Do	William St. Pierre Bunbury, R.A.	Pay, £500 per annum; forage for 1 horse, lodging allowance, stable allowance.	8 September, 1885, Captain.	Major, 7 May, 1886.	Pay, £292 per ann.; special allowance if serving in New South Wales, £91 5s. per annum; forage for 1 horse, quarters, stabling, fuel and light. Retiring allowances: After 12 yrs., gratuity £1,200; after 15 yrs., £1,600; after 18 years, £2,000; after 20 years, pension from £200 to £300 per ann. Pension to widow £70, and to each child £14, per annum.	Royal Artillery—Lieutenant, 31 January, 1878; Capt., 24 Mar., 1886. 8 years and 2 months.	Nil.....	Royal Military Academy Woolwich.	Afghan War, 1880. Medal
Captain	Clement Henry Milward, R.A.	do	do	Nil.....	Pay, £211 per ann.; special allowance if serving in New South Wales, £76 13s. per annum; quarters, fuel and light. Retiring allowances: After 12 yrs., gratuity £1,200; after 15 yrs., £1,600; after 18 years, £2,000; after 20 years, pension from £150 to £200 per ann. Pension to widow £50, and to each child £12, per annum.	Royal Artillery—Lieutenant, 19 May, 1880. 5 years.	Nil.....	do	Egyptian Expedition, 1882. Medal, bronze star.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service: Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks.
PERMANENT ARTILLERY.								
Colonel Commanding Artillery Forces—Permanent and Volunteer.	Charles Fyshe Roberts, C.M.G. Pay, £500 per annum; forage for 2 horses, stabling, quarters, rations, fuel and light, and allowance for uniform, £10 per annum.	28 Aug., 1876, Colonel.	Nil	Pay, £730 per annum; special allowance, if serving in N.S. Wales, £146 per annum; forage for 3 horses, quarters, stabling, fuel and light. Retiring pension, after five years, £450 per annum. Pension to widow, £100, and to each child, £16, per annum.	Royal Artillery—2nd Lt., Feb., 1855; 1st Lt., 1 April, 1855; 2nd Capt., 22 Sept., 1862; Brevet-Major, 23 Jan., 1863. Half-pay from July, 1869, to June, 1871. Left the Service 28 Sept., 1871. 16 years and 7 months.	Nil.....	Educated at Government Military School, Carshalton, Surrey, and Royal Military Academy, Woolwich. Cadet from Oct., 1852, to February, 1855. Examination as Captain, R.A., 1861.	Crimean Campaign from May, 1855: Siege and fall of Sebastopol; in trenches with siege train; bombardments of 6 and 17 June, Aug., and Sept.; wounded 2 Sept., and subsequently very severely while on duty on 15 Nov. by explosion of French magazine. Sikkin Expedition, 1861: In command of Royal Artillery; mentioned in orders by the Governor-General (Brevet-Major). Crimean medal, with clasp, Sardinian Order of Military Valour, Turkish war-medal, and Companionship of the Order of St. Michael and St. George.
Lieut.-Col. and Brevet Colonel.	Warner Wright Spalding, C.M.G. Pay, £450 per annum; command pay, £27; forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance for uniform, £10 per annum.	1 Aug., 1871, 2nd Captain.	N.S.W. Artillery—Captain, 11 Nov., 1872; Major, 28 Aug., 1876; Brevet Lt.-Col., 13 Sept., 1881; Lieut.-Col., 27 February, 1885; Brevet-Colonel, 21 Dec., 1885.	Pay, £328 10s. per annum; if in command, £55 extra; special allowance, if serving in N.S.W., £123 per ann.; forage for 1 horse, quarters, stabling, fuel and light. Retiring pension, from £250 to £365 per annum. Pension to widow, £90, and to each child, £16, per annum.	Royal Marines—Cadet from 1860 to 1862; 2nd Lieut., 4 Feb., 1862; 1st Lt., 27 Feb., 1865. Half-pay, Apr., 1869. 7 years and 2 months. Still on Navy List as Lieut. on half-pay commuted.	Nil.....	Examination at Royal Naval College, Portsmouth. Examination for Adjutant in England, 7 May, 1867. Passed in gunnery on H.M.S. "Excellent" several times, and subsequently during service as an officer.	Soudan Expedition, 1885: Suakin; medal and clasp; mentioned in Despatches, <i>London Gazette</i> , 25 August, 1885. Japan, 1864 and 1866: With Royal Marine Battalion at bombardment of the batteries at the Straits of Simonaski; carried colours at assault, capture, and destruction of five batteries, stockade, magazine, and barracks, 5 and 8 Sept., 1864. Companionship of the Order of St. Michael and St. George.
Major and Brevet Lieut.-Colonel.	Michael Murphy. Pay, £383 per annum; command pay, £27; forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance of £10 per annum for uniform.	28 Aug., 1876, Lieutenant.	Captain, 15 Dec., 1876; Major, 19 Sept., 1878; Brevet Lieut.-Colonel, 18 July, 1885.	Pay, £292 per annum; special allowance, if serving in N.S.W., £91 5s. per annum; forage for 1 horse, quarters, stabling, fuel and light. Retiring allowances: After 12 years, gratuity, £1,200; after 15 years, £1,600; after 18 years, £2,000; after 20 years, pension from £200 to £300 per annum. Pension to widow, £70, and to each child, £14, per annum.	83rd Regiment—Ensign, Feb., 1858; Lieut., August, 1860; Captain, Sept., 1864. 58th Regt. — Capt., from Aug., 1865, to 4 Jan., 1871. Somerset Militia — Captain from 20 March, 1871, to 20 July, 1872. 14 years and 5 months.	Nil.....	Passed entrance examination at Sandhurst, 21 October, 1856. Examination for promotion to grades of Lieutenant and Captain.	Indian Mutiny, 1858 and 1859. Medal.
Do ...	George John Airey. do	1 Aug., 1871, 1st Captain.	Captain, 1 Aug., 1871; Major, 24 April, 1872; altered to 20 Sept., 1878; Brevet Lieut.-Colonel, 18 July, 1885.	do	Royal Marines—2nd Lt., May, 1859; 1st Lt., March, 1862. Retired, July, 1870. 11 years and 2 months.	Nil.....	Educational and professional examination on entry into service. Passed a course of gunnery at Chatham, 1859, Woolwich, 1862 and 1866.	Soudan Expedition, 1885: Suakin; mentioned in Despatches, <i>London Gazette</i> , 25 May, 1885; medal and clasp. Augoza, 1861: In charge of Marines at capture of 2-gun battery. Rewa River, 1868: In charge of expeditionary force, including action at Druka.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service: Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks.
PERMANENT ARTILLERY—continued.								
Captain	Pembroke Lathrop Murray.	Pay, £256 per annum; forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance of £10 per annum for uniform.	5 Sept., 1876, Lieutenant.	Captain, 28 Oct., 1878.	Pay, £211 17s. 11d. per ann.; special allowance, if serving in N.S.W., £76 13s. per annum; quarters, fuel and light. Retiring allowances: After 12 years, gratuity, £1,200; after 15 years, £1,600; after 18 years, £2,000; after 20 years, pension from £150 to £200 per annum. Pension to widow, £50, and to each child, £12, per annum.	Colonial service only.	.....	No.
Do	Frederick Thomas Bendge Baynes.	Pay, £256 per annum; forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance of £10 per annum for uniform.	28 Aug., 1876, Lieutenant.	Captain, 25 June, 1884.	Pay, £211 17s. 11d. per ann.; special allowance if serving in N.S. Wales, £76 13s. per annum; quarters, fuel and light. Retiring allowances: After 12 yrs., gratuity £1,200; after 15 yrs., £1,600; after 18 years, £2,000; after 20 yrs., pension from £150 to £200 per ann. Pension to widow, £50, and to each child, £12, per annum.	do .....	.....	No.
Captain and Brevet-Major.	Henry Park Airey.	do	31 July, 1877, Lieutenant.	Captain, 29 March, 1885; Brvt.-Major, 29 June, 1887.	Higher rank by Brevet; pay, £247 17s. 11d. per ann.; remainder ditto, except pension to widow is £70, and to each child £14, per annum.	101st Regiment—Ensign, June, 1861; Lieut., July, 1863, to 1866. 5 years.	Nil.....	Educational and professional examination on entry into service; examination for promotion to grade of Lieutenant. Soudan Expedition, 1885: Suakin; advance on Tamai; medal and clasp. Campaign in Burmah, 1887; severely wounded; mentioned in Despatches.
Lieutenant...	Henry Le Patourel.	Pay, £238 per annum; forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance of £10 per annum for uniform	9 April, 1875, Lieutenant.	Nil	After 10 yrs., pay £143 per ann.; special allowance, if serving in N.S. Wales, £54 15s. per ann.; quarters, fuel and light. Retiring allowances: Same as above, except pension to widow is £40, and to each child £10, per annum.	Gloucester Militia—Lieut., Nov., 1861. 1st King's Dragoon Guards—Nov., 1868; Lieut., July, 1870. 16th Regiment, from March to Nov., 1871. York Militia—Capt., July, 1873, to April, 1874. 12 yrs. and 5 mths.	Nil.....	Examination on entry into service, and at school of instruction for Reserve Forces.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service : Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks.
PERMANENT ARTILLERY—continued.								
Lieutenant and Acting Adjutant.	Arthur Henry Patrick Savage.	Pay, £238 per annum; allowance, Acting Adjutant, £37 p.a.; forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance of £10 per annum for uniform.	25 Nov., 1878, Lieutenant.	Nil	After 7 years :—Pay, £124 14s. 2d. per annum; special allowance, if serving in N. S. Wales, £54 15s. per annum. Acting Adjutant, £45 12s. 6d. per annum; forage for 1 horse, stabling, quarters, fuel and light. Retiring allowances : After 12 years, gratuity, £1,200; after 15 years, £1,600; after 18 years, £2,000; after 20 years, pension from £150 to £200 per annum. Pension to widow, £40, and to each child, £10 per annum.	Civil Service Volunteers, England. 3 years.	Nil	Educated at Royal Naval School, New Cross, England.
Lieutenant.	Augustus George Harrington Morris.	Ditto, except allowance as Acting Adjutant.	29 Sept., 1883, Lieutenant.	Nil	After 3 years, pay and allowances same as above, with the exception of allowance as Acting Adjutant; forage and stabling.	Colonial service only.	.....	No.
Do	William Throsby Bridges.	Pay, £238 per annum, forage for 1 horse, stabling, quarters, rations, fuel and light, and allowance of £10 per annum for uniform.	19 May, 1885, Lieutenant.	Nil	Under 3 years :—Pay, £101 17s. 11d. per annum; special allowance if serving in New South Wales, £54 15s. per annum; quarters, fuel and light. Retiring allowances : After 12 years, gratuity, £1,200; after 15 years, £1,600; after 18 years, £2,000; after 20 years, pension from £150 to £200 per annum. Pension to widow, £40, and to each child, £10 per annum.	Colonial service only.	.....	Certificate from Royal Military College, Canada
Do	Leslie Herbert Kyngdon.	do	12 November, 1885, Lieutenant.	Nil	do	do .....	.....	No
Do	Haviland Le Messurier.	do	do	Nil	do	do .....	.....	No
								Expedition to Soudan, 1885: Suakin; advance on Tamai. Medal and clasp.

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service : Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich or other Military or Naval Academy or School.	Remarks.
VOLUNTEER PERMANENT STAFF.								
Lieutenant-Colonel.	Thomas Millard Benton Eden.	Pay, £400 per ann.; forage for 1 horse, lodging allowance, stable allowance, groom's allowance.	21 May, 1885, Lieutenant-Colonel.	Nil.....	Pay, £383 per annum; special allowance, if serving in N.S. Wales, £123 per annum; forage for 1 horse, quarters, stabling, fuel and light. Retiring pension, from £250 to £365 per annum. Pension to widow, £90, and to each child, £16; per annum.	Infantry:— Lieut., 1856; Captain, 1860; Major, 1871. 15 years.	Nil..... Sandhurst	Served in New Zealand Campaign, 1863-7. Medal.
Do	Alexander Wilkinson.	Pay, £100 per ann.; forage for 1 horse.	28 Jan., 1863, Ensign, Maitland Vol. Corps.	Lieutenant, 6 July, 1866; Captain, 15 May, 1869; Major, 4 October, 1880; Lieut-Col. Com. 4th Regiment, 14 March, 1884; Lieut-Colonel Commanding Northern Reserves, 26 Aug., 1885.	This case has no analogy in the Imperial Service, as this officer is in civil employment, and only devotes a small portion of his time to his military duties, which are comparatively easy.	Colonial service only.	..... No.	
Major and Adjutant.	Charles George Norris.	Pay, £300 per annum; forage for 1 horse, lodging allowance, stable allowance, groom's allowance.	28 October, 1878, Captain	Major, 26 June, 1885	Pay, £247 17s. 11d. per ann.; special allowance if serving in N. S. Wales, £91 5s. per ann.; servant's allowance, forage for 1 horse, stabling, lodging, fuel and light. Retiring allowances:— After 12 years, gratuity, £1,200; after 15 years, £1,600; after 18 years, £2,000; after 20 years, pension from £200 to £300 per ann.; Pension to widow, £70, and to each child, £14, per annum.	80th Foot—Capt. 10 years and 10 months, viz., from October, 1858, to August, 1869.	Nil..... Passed military examination at Chelsea, 1878.	Served in the Bhotan Campaign, 1864-5; medal and clasp. Soudan Expedition, 1885: Suakin; advance on Tamai; mentioned in Despatches, <i>London Gazette</i> , 25 August, 1885; medal and clasp.
Captain and Adjutant.	Charles Falkner Bartlett.	Pay, £275 per annum; forage for 1 horse, lodging allowance, stable allowance, groom's allowance.	12 March, 1875, 1st Lieut., Maitland Vol. Infantry	Captain, 4 October, 1880; Captain and Adjutant, 22 January, 1883.	Pay, £211 7s. 11d. per ann.; pension, from £150 to £200 per ann.; other allowances ditto, except special allowance if serving in N. S. Wales, which is £76 13s., and pension to widow, £50, and to each child, £12, per annum.	Colonial service only.	Nil..... No	Soudan Expedition, 1885: Suakin; advance on Tamai; mentioned in Despatches, <i>London Gazette</i> , 25 August, 1885; medal and clasp.
Do	James Hill.	do.....	28 October, 1878, Lieut. and Adjutant	Captain and Adjutant, 20 August, 1884.	do	12th Foot—Color and Pay Sergt. 12 years and 2 months.	Nil..... No	

Rank and Names.	Pay and Allowances.	Date and Grade of First Commission.	Particulars of Promotion.	Pay and Allowances of similar rank in Imperial Army.	Imperial Service: Stating Arm, Rank, and Period of Service.	Rank and Service in any Foreign Army or Navy.	Whether graduated at Sandhurst, Woolwich, or other Military or Naval Academy or School.	Remarks.	
VOLUNTEER PERMANENT STAFF— <i>continued.</i>									
70—B Captain and Adjutant.	Charles William Pleydell Bouverie.	Pay, £275 per annum; forage for 1 horse, lodging allowance, stable allowance, groom's allowance.	25 November, 1878, Lieut., Permanent Artillery.	Captain and Adjutant, 18 July, 1885.	Pay, £211 7s. 11d. per ann.; pension, from £150 to £200 per ann.; other allowances ditto, except special allowance if serving in N. S. Wales, which is £76 13s., and pension to widow, £50, and to each child, £12 per annum.	Royal Navy—Joined, 1864; Sub-Lieut., 1871; Lieut., February, 1875, till November, 1878. 14 years.	Nil	Passed examination for Lieut., R.N., 1871; passed course of naval gunnery in 1876; went through a course of torpedo instruction in 1876.	Soudan Expedition, 1885: Suakin medal and clasp.
Do	Montagu William Bayly.	do	13 May, 1885, Temporary Captain and Adjutant.	do	Pay, £211 7s. 11d. per ann.; special allowance if serving in N. S. Wales, £76 13s. per ann.; servant's allowance, forage for 1 horse, stabling, lodging, fuel and light. Retiring allowances: After 12 years, gratuity, £1,200; after 15 yrs., £1,600; after 18 years, £2,000; after 20 years, pension from £150 to £200 per ann.; pension to widow, £50, and to each child, £12, per annum.	North York Militia—Lieut., from 23 Oct., 1878, to 23 Oct., 1880; 105th Foot—Lieut., from 1881 to 1883. 5 years.	Nil.....	Passed Civil Service Commissioners, London, for Lieutenant; also, Competitive Examination at Aldershot, in 1880, same rank; holds certificate of having passed examination in musketry.	
Do	Robert Allwood Nathan.	do	2 Aug., 1871, 2nd Lieut., Volunteer Artillery.	Capt., Vol. Art., 5 May, 1875; Lieut., Per. Art., 31 July, 1877; Capt. & Adj., Per. Staff, 12 Nov., 1885.	do	Colonial service only.	No	Expedition to Soudan, 1885: Suakin medal and clasp; mentioned in Despatches, <i>London Gazette</i> , 25 August, 1885.	
Lieutenant and Adjutant.	Morris Marian Boam.	Pay, £250 per annum; forage for 1 horse, lodging allowance, stable allowance, groom's allowance.	29 Aug., 1884, Lieutenant and Adjutant.	Nil	do	do	Pfrenstadt College, Germany.	Soudan Expedition, 1885: Suakin; advance on Tamai. Medal and clasp.	
Do	Henry Glendower Bodychan Sparrow.	do	27 Feb., 1885, Lieutenant, N. S. Wales Contingent.	Lieutenant and Adjutant, Volunteer Per. Staff, 18 July, 1885.	do	Royal Anglesea Militia Light Infantry—Lieutenant, 3 years, from 21 Dec., 1871.	Nil.....	Sandhurst, 1868–9. Holds 2nd-class Hythe Musketry Certificate, and 1st-class Certificate for Captain, "School of Instruction," Wellington Barracks, London.	Soudan Expedition, 1885: Advance on Tamai; mentioned in Despatches. Medal and clasp.

6

JOHN S. RICHARDSON, M.-G.

1887-8.

NEW SOUTH WALES.

OFFICERS OF THE ROYAL NAVY UNDER COLONIAL GOVERNMENTS.

(DESPATCH RELATIVE TO THE EMPLOYMENT OF.)

Presented to Parliament by Command.

The Secretary of State for the Colonies to The Officer Administering the
Government of New South Wales.

Sir,

Downing-street, 25 January, 1888.

With reference to previous correspondence relative to the employment of officers of the Royal Navy under Colonial Governments, and to the Rules as to the remuneration of these officers, issued by the Treasury, under the 6th section of the Superannuation Act, 1887, of which a copy is enclosed in my Circular Despatch of the 24th instant, I have the honor to transmit a copy of a letter from the Admiralty on the subject, dated the 2nd instant, and I shall be obliged if you will take such steps as may be necessary to give effect to their Lordships' wishes.

I have, &c.,
H. T. HOLLAND.

[Enclosure.]

Sir,

Admiralty, 2 January, 1888.

With reference to previous correspondence relative to the employment of officers of the Royal Navy under Colonial Governments, and to the new Rules as to the remuneration of these officers, issued by the Treasury in September last, under clause 6 of the Superannuation Acts Amendment Bill of this Session, I am commanded by my Lords Commissioners of the Admiralty to inform you that officers now holding such employment, and desirous of coming under the new Rules in accordance with Rule 16, will be informed, upon application to the Admiralty, through the Colonial authorities in the usual course, of the manner in which they will be allowed to count their Colonial Service under Rule 10, viz, whether as sea service, or sea service in a ship-of-war at sea, or sea service in command of a ship-of-war at sea.

2. I am to request that you will move the Secretary of State for the Colonies to cause the Colonial Governments employing Naval Officers to be informed accordingly, observing that full particulars as to the nature of the service of each officer applying should be furnished, to enable my Lords to attach a proper value, in a naval point of view, to his Colonial Service, when assessing it as above.

3. I am to observe that it is intended that the period of absence of a Naval Officer lent to the Colonies for Naval or Military employment shall not exceed three years from the date of his taking up his appointment, unless otherwise specially decided by my Lords.

4. Officers on the Active List of the Navy thus employed will be borne on the books of Her Majesty's Flagship on the station on which they may be employed, if appointed or coming under the new Rules, and consequently they will be subject to the Naval Discipline Act.

I am, &c.,
EVAN MACGREGOR.

The Under Secretary of State, Colonial Office.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MILITARY BRIGADE OFFICE.

(RETURN RESPECTING ACCOUNTS OF.)

*Ordered by the Legislative Assembly to be printed, 10 July, 1888.**[Laid upon the Table of this House, in answer to Question No. 5, of Tuesday, 10 July, 1888.]*

TUESDAY, 10 JULY, 1888.

5. MR. WALL to ask THE COLONIAL SECRETARY,—

- (1.) What bonus (if any) was granted by the Government to the Audit Inspectors who examined the Brigade Office accounts?
- (2.) Was any special commendation or censure bestowed by the late Colonial Secretary upon either of them?
- (3.) If so, what was the nature of such, and for what cause?
- (4.) Do any or all of the members of the General Staff receive allowances for cost of travelling from Dawes' Battery to their places of residence; if so, what are the allowances?
- (5.) If so, what was the total amount paid to or on behalf of the members of the General Staff for cab and carriage hire during 1887?
- (6.) Are any of the officers of the General Staff, or have they been, provided with annual railway season tickets at the public expense?
- (7.) If so, how many, and what is the cost of each such ticket?
- (8.) Will he state what number of railway passes or orders were issued by members of the General Staff during the months of February, March, April, June, and October, 1887?
- (9.) Will he give the dates when and the persons to whom any passes were issued, and also the stations to which such passes or orders were made available?
- (10.) Will he state what amounts have been paid to members of the General Staff and Paymaster's Staff as travelling or personal allowances during April, 1887, giving names of the persons to whom payment was made, and dates of service?

Answers:—

- (1.) £75 to Mr. Inspector Row and £30 to an assistant, as recommended by the Auditor-General.
- (2 and 3.) I am not aware.
- (4.) The Assistant Adjutant-General receives ferry fares when on duty under 34 Vic. No. 19.
- (5.) No cab or carriage hire was charged for this purpose.
- (6.) Yes.
- (7.) Seven, about £35.

ANSWERS—(8 and 9).

RETURN of Free Railway Passes issued by the General Staff to the Military Forces during the months of February, March, April, June, and October, 1887.

Date of issue	Class	No	To whom issued	Stations		How long current	Why granted.
				From	To		
1887.							
1 Feb.	2nd..	6676	Sergeant-Major Furnish	Sydney	Paramatta	1 trip	On duty.
2 "	"	6677	" "	"	"	"	"
3 "	"	6678	" "	"	"	"	"
4 "	"	6679	" "	"	"	"	"
12 "	"	6682	45 members, P A	"	Rookwood	"	Fueral party.
28 "	"	6683	W O Furnish	"	Windsor	"	On duty.
18 "	"	6693	Br. Young, P A.	"	N. Park	"	"
12 "	1st	1912	1 officer, P A	"	Rookwood	"	Fueral party.
8 Mar	2nd	6684	W O. Furnish	Windsor	Sydney	"	On duty.
10 "	"	6685	"	Sydney	Richmond	"	"
18 "	"	6686	"	Richmond	Sydney	"	"
2 "	"	6687	Staff Sergeant Shannon	Sydney	Mittagong	"	"
10 "	"	6688	" "	Mittagong	Moss Vale	"	"
18 "	"	6689	" "	Moss Vale	Sydney	"	"
1 "	"	6690	" Ingall	Sydney	Penrith	"	"
9 "	"	6691	" "	Penrith	Sydney	"	"
5 "	"	6694	20 cadets, Newington College	Stanmore	"	"	Rifle practice.
12 "	"	6695	20 "	"	"	"	"
19 "	"	6696	20 "	"	"	"	"
26 "	"	6697	20 "	"	"	"	"
2 "	Box..	6698	Charger of Major-General	Sydney	Paramatta	"	On duty.
2 "	"	6699	" A A -G	"	"	"	"
4 "	2nd..	6701	W O Tideswell	"	N. Park	"	"
4 "	"	6702	Gr. Brien, P A	"	"	"	"
3 "	"	6703	Mr. Loney, Pay Office	"	Wagga	"	"
24 "	"	6704	15 members, Permanent Staff	"	N. Park	"	"
26 "	"	6705	Staff Sergeant Sullivan	"	"	"	"
26 "	"	6706	S Eubyn, labourer	"	"	"	"
4 April	"	6707	2 members, P A	"	Paramatta	"	Escort duty.
4 "	"	6708	1 member, "	Paramatta	Sydney	"	From prison.
1 "	"	6709	9 members, "	Sydney	N. Park	"	Fatigue duty.
2 "	"	6710	20 cadets, Newington College	Stanmore	Sydney	"	Rifle practice.
16 "	"	6711	20 "	"	"	"	"
20 "	"	6712	20 "	"	"	"	"
30 "	"	6713	20 "	"	"	"	"
8 "	"	6714	Armour Sergt. Cayzer	Sydney	N. Park	"	On duty.
1 "	"	6715	Gr. Riley, P A.	"	"	"	"
2 "	"	6716	1 sergeant, Permanent Staff	"	"	"	"
3 "	"	6717	W. O. Tideswell	"	"	"	"
2 "	"	6718	"	"	"	"	"
4 "	"	6719	Br Young, P.A.	"	"	"	"
4 "	"	6720	Mrs Young and servant	"	"	"	"
7 "	"	6721	Br. Hilder, P.A	"	"	"	"
5 "	"	6722	Gr. Hamilton, P A	"	"	"	"
4 "	"	6724	1 gunner, P A	"	"	"	"
4 "	"	6725	Cook for Staff Mess	"	"	"	"
5 "	"	6726	W O Tideswell	"	"	"	"
5 "	"	6727	Gr Masterson, P A.	"	"	"	"
5 "	Box	6728	Major-General's Charger	"	"	"	"
5 "	2nd..	6729	Mr. M'Intyre, D A.Q M.-G.'s Dept	"	"	"	"
5 "	"	6730	Mr Blakeley,	"	"	"	"
5 "	"	6731	Staff-Sergeant Holmes, A.A.-G.'s Dept.	"	"	"	"
5 "	Box.	6732	Charger of above	"	"	"	"
5 "	2nd..	6733	Staff Sergeant Burns	"	"	"	"
5 "	Box..	6734	4 horses, Staff	"	"	"	"
5 "	2nd	6735	W. O. Holmes, M S O.	"	"	"	"
5 "	"	6736	Mr. Kavanagh, M.S.O.	"	"	"	"
5 "	"	6737	Mr. Smith, M.S.O.	"	"	"	"
5 "	"	6738	Gr Brien, P A	"	"	"	"
5 "	"	6739	Bomr Hertslett, P A.	"	"	"	"
6 "	"	6740	Gr. Rynie, P.A.	"	"	"	"
6 "	Box	6741	Charger of D A.Q M. G	"	"	"	"
5 "	2nd	6742	Gr. Hamilton, P.A	N. Park	Sydney	"	"
7 "	Box	6743	2 chargers of A.A.-G.	Sydney	N. Park	"	"
6 "	2nd	6744	Staff Sergeant Holmes. M.S.O.	N. Park	Sydney	"	"
16 "	"	6748	2 hospital orderlies	"	"	"	Returning from camp.
16 "	"	6768	W O. Holmes, M S O	"	"	"	"
16 "	"	6769	W. O. Tideswell	"	"	"	"
16 "	"	6770	Mr. Smith, M.S O.	"	"	"	"
16 "	"	6771	Mr Kavanagh, M.S.O	"	"	"	"
16 "	"	6772	Staff Sergeant Holmes	"	"	"	"
16 "	"	6773	Staff Sergeant M'Intyre	"	"	"	"
16 "	"	6774	Mr. Blakeley, Clerk	"	"	"	"
16 "	"	6775	Gr. Masterson, P A.	"	"	"	"
16 "	"	6776	F. Lyle, hospital orderly	"	"	"	"
16 "	"	6777	2 labourers, D A.Q M. G 's Department	"	"	"	"
16 "	"	6780	2 waiters, Staff Mess	"	"	"	"
16 "	"	6781	7 persons employed in Staff Mess	"	"	"	"
16 "	"	6782	Mr. Elhs, cook	"	"	"	"
16 "	"	6783	Staff-Sergeant Burns	"	"	"	"
16 "	"	6784	Gr. Rynie, P.A.	"	"	"	"
16 "	"	6785	Staff-Sergeant Shannon	Sydney	Wellington	"	On duty.
24 "	"	6796	Bombr. Ranchie, P.A.	N. Park	Sydney	"	"
25 "	"	6797	Sergeant Ingall, Permanent Staff	Sydney	Wagga	"	"

Date of issue	Class	No	To whom issued	Stations		How long current	Why granted
				From	To		
1887							
30 April	2nd	6798	20 Cadets, King's School	Parramatta	Sydney	1 trip	Rifle practice.
9 "	1st	1914	Rev G F Macarthur	Ashfield	N Park	"	On duty.
9 "	"	1915	Rev Father Fitzgerald	Sydney	"	"	"
9 "	"	1916	Rev. A Osborne	Burwood	"	"	"
9 "	"	1917	Rev S Wilkinson	Petersham	"	"	"
7 "	"	1918	Colonel French	Tenterfield	Newcastle	"	To attend camp.
9 "	"	1919	" "	Sydney	N. Park	"	"
7 "	"	1920	Major Lyster	Tenterfield	Newcastle	"	"
9 "	"	1921	" "	Sydney	N Park	"	"
10 "	"	1928	Rev S Wilkinson	" "	"	"	On duty.
15 "	"	1929	Lieut -Colonel Baynes	" "	"	"	"
5 "	"	1931	Captain Bouverie	N Park	Sydney	"	"
5 "	"	1932	Lieutenant Sparrow	" "	"	"	"
10 "	"	1935	Rev Father Fitzgerald	" "	"	"	"
11 "	"	1936	Mr Solomon, Accountant, Pay Office	" "	"	"	"
15 "	"	1937	Gr Hamilton, P A	" "	"	"	"
30 "	"	1938	1 officer, King's School Cadets	Parramatta	"	"	Rifle practice.
4 June	2nd	6788	Staff Sergeant Shannon	Orange	Blayney	"	On duty
19 "	"	6789	" "	Blayney	Bathurst	"	"
30 "	"	6790	" "	Bathurst	Sydney	"	"
4 "	"	6794	" Ingall	Mudgee	Lithgow	"	"
14 "	"	6795	" "	Lithgow	Sydney	"	"
7 "	"	9810	9 Cadets, St Ignatius College	Sydney	Bathurst	"	Rifle match.
3 "	"	9812	9 Cadets, Newington College	Stanmore	"	"	"
6 "	"	9813	7 " "	Bathurst	Stanmore	"	Returning from Rifle Match.
11 "	"	9814	2 " " King's School "	" "	"	"	"
4 "	"	9815	21 " " King's School "	Parramatta	Sydney	"	Rifle practice.
11 "	"	9816	21 " " "	" "	"	"	"
6 "	"	9817	W. O Tideswell	Sydney	Bathurst	"	On duty
13 "	"	9818	Groom of A A -G	" "	Camden	"	"
13 "	Box	9819	Charger of "	" "	"	"	"
13 "	2nd	9820	Groom of Major General	" "	"	"	"
13 "	"	9821	Charger of "	" "	"	"	"
27 "	"	9822	Sergeant Major King	" "	Mittagong	"	"
7 "	1st	1923	1 officer, St Ignatius Cadet Corps	" "	Bathurst	"	Rifle match.
3 "	"	1930	2 officers, Newington Cadets	Stanmore	"	"	"
1 Oct	2nd	9852	36 members, P A	Sydney	Rookwood	"	Funeral party.
2 "	"	15801	60 " "	" "	"	"	"
3 "	Box	9853	Charger of Major General	" "	Queanbeyan	"	On duty.
3 "	2nd	9854	Groom of "	" "	"	"	"
8 "	"	9855	30 Cadets, Newington College	Stanmore	Sydney	"	Rifle practice.
15 "	"	9856	30 " "	" "	"	"	"
17 "	"	9857	50 " "	" "	"	"	Carbine match.
18 "	"	9858	20 " "	" "	"	"	Rifle practice.
19 "	"	9859	20 " "	" "	"	"	"
20 "	"	9860	20 " "	" "	"	"	"
22 "	"	9861	20 " "	" "	"	"	"
1 "	1st	1946	3 officers, P A	Sydney	Rookwood	"	Funeral party.
2 "	"	2901	2 " "	" "	"	"	"

True Extract — H D MACKENZIE, Major A A G

(10.)

	£	s	d.
Major-General Richardson—special field and personal allowance whilst in camp	8	5	0
Major Mackenzie do do	4	5	6
Major Taunton do do	3	7	0
Quarter-Master Little—camp allowance from 28th March to 29th April . . .	8	17	2
Mr W Holmes do from 8th to 16th April . . .	1	13	6
Mr. A Holmes do do	1	18	3
Mr M'Intyre do do	1	17	6
Mr Smith do do	1	17	6
Mr. Kavanagh do do	1	17	6
Mr Blakeley do do	1	17	6
Mr Solomon, Accountant—expenses to and from camps, National Park and Middle Head, between 6th and 16th April	2	2	0

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ORDERLY CLERKS, BRIGADE OFFICE.
(INFORMATION RESPECTING.)

Ordered by the Legislative Assembly to be printed, 14 March, 1888.

[Laid upon the Table of this House in answer to Question No. 14, Votes No. 66, of Wednesday, 14 March, 1888.]

RETURN of Clerks engaged in the Military Offices, Phillip-street, during the past twelve months.

Office.	Number of Clerks.	Salaries and allowances.	By whom appointed, and when.	By whom recommended.	How long in the Colony previous to employment.
Pay Office.....	1st clerk, Mr. Waddington.	9s. 6d. a day, 15s. a week rent, and allowance for rations, fuel, and light.	Major-General commanding, 5/1/88.	Treasury	6 years.
Do	2nd clerk, Mr. Loney	9s. a day, allowances ditto	Major-General commanding, 11/8/75.	Chief Paymaster	4 years.
Do	3rd clerk, Mr. Devery	7s. 6d. a day, allowances ditto.	Major-General commanding, 12/9/73.	do	4 years.
Do	Temporary clerk, Rev. J. T. Evans.	10s. a day, 18s. 8d. a week lodging and allowance for rations, fuel, and light.	Acting Commandant, 13/4/85.	The then Colonial Secretary.	Not known, dispensed with, 4/2/88.
Do	Temporary clerk, a gunner, Permanent Artillery.	1s. a day in addition to regimental pay.	Major-General commanding, 17/10/87.	Officer commanding Per. Artillery.	
Reserve Office	Mr. Berry	8s. a day, and 12s. 6d. a week lodging allowance.	Major-General commanding, 11/11/86.	His previous service in Imperial Army as orderly room clerk.	2 months.
Major Penrose's Office	Mr. Murray.....	7s. 6d. a day, 18s. 8d. a week lodging and allowance for rations, fuel, and light.	Major-General commanding, 29/9/85.	Major Penrose, R.E., and previous service in Imperial Army.	8 years.

The remainder of the clerical work in these offices is performed by the Drill Instructors.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER LAND ORDERS.

(NUMBER ISSUED AND OTHER PARTICULARS.)

Ordered by the Legislative Assembly to be printed, 22 November, 1887.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 21st September, 1887, That there be laid upon the Table of this House, a Return showing,—

- “(1.) The number of Volunteer Land Orders issued in this Colony to date.
 “(2.) The number of such Orders that have been used in securing land, together with a Return showing the number made use of in each Land District in the Colony.”

(*Mr. Crouch.*)

1. 3,548 Volunteer Land Orders have been issued in this Colony to date.
 2. Schedule herewith.
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PART 2.

RETURN showing the area alienated in virtue of Volunteer Land Orders, from the year 1870 to 1886 inclusive.

Land District.	County.	No of V L O's used in each County	No of V L O's used in each District.	Year in which the Certificate issued																	Area.	
				1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.		
				acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	
Albury.....	Hume ..	70	88	...	150	...	1,300	1,550	300	50	50	50	50	...	...	...	...	...	...	...	3,500	
	Selwyn	1		...	...	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	50
	Goulburn	16		...	...	...	150	300	150	...	50	...	50	100	...	...	...	...	...	...	...	800
	Urana	1		...	...	...	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	50
Armidale.....	Clarke	4	17	...	...	...	...	...	...	...	...	200	...	...	...	...	...	...	...	...	200	
	Fitzroy	1		...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	...	50
	Inghs	6		...	...	...	...	...	...	...	...	...	150	150	...	...	...	...	...	...	...	300
	Hardinge	3		...	...	...	...	...	...	...	100	...	50	...	...	...	...	...	...	...	...	150
	Sandon	3		50	100	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	150
Balranald	Carra	10	15	...	...	...	...	...	...	50	50	150	150	...	100	...	...	...	...	...	500	
	Taala	5		...	...	...	...	...	...	...	...	100	150	...	...	...	...	...	...	...	...	250
Bathurst	Georgiana ..	1	5	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	50	
	Roxburgh	1		...	50	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	...	50
	Bathurst	3		...	...	...	...	...	...	...	50	...	...	100	...	...	...	...	...	...	...	150
Bega	Dampier	1	4	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	50	
	Auckland	3		...	150	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	150
Berrima	Camden	16	16	...	...	...	50	100	...	...	50	50	...	50	450	50	...	...	...	...	800	
	Murchison	6		...	...	...	50	...	...	...	100	50	50	50	...	...	...	...	...	...	...	300
Biagara	Wellesley ..	14	14	...	...	...	...	...	50	100	50	200	200	50	50	...	...	...	...	...	700	
Bombala	Harden	8		...	50	...	...	...	...	300	50	...	...	...	...	...	...	...	...	...	...	400
Barrowa	King	1		...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	...	50
Bourke	Clyde	6	7	...	...	...	...	...	...	...	...	100	200	...	...	...	...	...	...	...	300	
	Cowper	1		...	...	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	50
Braidwood	St. Vincent ..	7	8	150	100	50	...	...	...	50	...	...	...	...	...	...	...	...	...	...	350	
	Murray	1		...	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	50
Brewarrina	Clyde	2	13	...	...	...	...	...	...	...	...	...	...	100	...	...	...	...	...	...	100	
	Narran	8		...	...	...	...	...	...	...	...	100	50	...	50	...	200	...	...	...	...	400
	Culgoa	3		...	...	...	...	...	...	...	...	50	...	...	...	100	...	...	...	...	...	150
Brisbane Water (Gosford) ..	Northumberland	22	22	...	...	...	...	...	...	...	...	50	550	200	300	...	...	...	...	...	1,100	
	Westmoreland ..	2		...	...	...	...	50	...	50	...	...	...	...	...	...	...	...	...	...	...	100
Camden	Georgiana ..	2	189	...	...	...	...	...	...	...	...	...	...	100	...	...	...	...	...	...	100	
Carcoar	Blgh	2		250	1,000	200	1,300	500	1,600	1,900	600	100	200	250	100	...	100	...	...	...	...	8,100
Cassilis	Brisbane	162		400	...	...	...	...	200	250	350	50	...	100	...	...	...	...	...	...	...	1,350
Cooma	Beresford ...	29	34	...	300	200	400	100	200	50	...	100	...	100	...	...	...	...	...	...	1,450	
	Wallace	5		...	50	100	50	50	...	...	...	...	...	...	...	...	...	...	...	...	...	250

PART 2—continued.

Land District.	County.	No. of V.L.O.'s used in each County.	No. of V.L.O.'s used in each District.	Year in which the Certificate issued.																	Area.		
				1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.			
				acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.		
Coonabarabran	Napier	4	10	.....	.....	.....	.....	50	50	.....	.....	.....	50	50	.....	.....	.....	.....	.....	.....	200		
	Gowen	4		.....	.....	.....	.....	150	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	200	
	Leichhardt	2		.....	.....	50	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100
Coonamble	Ewenmar	9	30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	200	250	.....	.....	.....	.....	.....	.....	450	
	Leichhardt	18		.....	.....	.....	.....	.....	.....	.....	50	300	50	500	.....	.....	.....	.....	.....	.....	.....	900	
	Gowen	3		.....	.....	.....	.....	.....	.....	50	50	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	150
Corowa	Denison	1	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	50	
Cowra	Forbes	3		.....	.....	.....	.....	50	.....	50	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	150
	Bathurst	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Deniliquin	Townsend	173	222	.....	.....	.....	950	4,350	150	2,000	450	500	50	150	50	.....	.....	.....	.....	.....	.....	8,650	
	Wakool	18		.....	.....	.....	.....	300	.....	550	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	900
	Cadell	10		.....	.....	.....	.....	300	.....	50	.....	.....	50	100	.....	.....	.....	.....	.....	.....	.....	.....	500
	Urara	21		.....	.....	.....	1,000	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,050
Dubbo	Canbelego	6	136	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	25	.....	.....	.....	.....	.....	.....	.....	300	
	Gregory	43		.....	.....	.....	.....	400	.....	50	100	.....	750	850	.....	.....	.....	.....	.....	.....	.....	.....	2,150
	Ewenmar	39		.....	.....	.....	50	.....	.....	50	150	1,150	250	200	100	.....	.....	.....	.....	.....	.....	.....	1,950
	Narromine	43		.....	.....	.....	100	200	900	150	.....	200	50	50	500	.....	.....	.....	.....	.....	.....	.....	2,150
	Leichhardt	3		.....	.....	.....	.....	.....	100	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	150
	Lincoln	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
	Gordon	1		.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Forbes	Cunningham	49	146	.....	.....	.....	.....	150	750	450	100	50	150	800	.....	.....	.....	.....	.....	.....	.....	2,450	
	Kennedy	11		.....	.....	.....	.....	.....	400	150	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	550
	Gipps	81		.....	.....	50	550	1,150	700	400	100	950	100	.....	50	.....	.....	.....	.....	.....	.....	.....	4,050
	Ashburnham	2		.....	.....	.....	.....	50	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100
	Forbes	3		.....	.....	.....	.....	150	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	150
Glen Innes	Gough	24	36	.....	50	.....	.....	100	100	150	350	350	50	.....	50	.....	.....	.....	.....	.....	.....	1,200	
	Gresham	4		.....	.....	.....	.....	.....	.....	50	.....	150	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	200
	Drake	6		.....	.....	.....	.....	.....	.....	100	200	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	300
	Clarke	2		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100	.....	.....	.....	.....	.....	.....	.....	.....	100
Goulburn	Argyle	23	27	200	50	.....	.....	50	300	150	.....	250	150	.....	.....	.....	.....	.....	.....	.....	.....	1,150	
	Georgiana	4		150	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	200
Grafton	Drake	21	27	50	400	.....	.....	100	150	200	100	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	1,050	
	Fitzroy	5		.....	.....	.....	50	.....	.....	100	50	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	250
	Clarence	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Grenfell	Bland	1	17	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	50	
Gundagai	Clarendon	11		150	50	250	100	550
	Harden	1		50	50
	Wynyard	3		50	50	50	150
	Buccleuch	2		100	100

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PART 2—continued.

Land District.	County.	No. of V.L.O.'s used in each County.	No. of V.L.O.'s used in each District.	Year in which the Certificate issued.																	Area.		
				1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.			
				acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.		
Gunnedah	Pottinger	15		.....	.....	.....	.....	.....	50	200	.....	100	50	300	50	.....	.....	.....	.....	.....	750	
	Buckland	20		.....	.....	.....	.....	.....	.....	.....	100	500	200	200	.....	.....	.....	.....	.....	.....	.....	1,000
	Nardewar	4		.....	.....	.....	.....	.....	.....	.....	.....	50	.....	150	.....	.....	.....	.....	.....	.....	.....	200
	Gowen	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	50
Gunning	King	3	40	.....	.....	.....	.....	.....	.....	.....	.....	100	50	.....	.....	.....	.....	.....	.....	.....	150	
	Sturt	7	3	.....	.....	100	.....	.....	.....	100	.....	100	.....	50	.....	.....	.....	.....	.....	.....	350	
Hay	Boyd	75		.....	.....	150	.....	250	700	1,400	.....	500	450	250	.....	50	.....	.....	.....	.....	3,750	
	Waradgery	77		1,400	.....	.....	250	100	750	50	.....	400	250	550	.....	100	.....	.....	.....	.....	.....	3,850
	Blaxland	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	50
	Townsend	5		.....	.....	.....	.....	.....	150	50	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	250
	Waljeers	20		.....	.....	.....	.....	.....	.....	400	250	150	.....	100	.....	.....	.....	.....	.....	.....	.....	1,000
	Franklin	21		.....	.....	.....	.....	.....	.....	250	350	250	150	.....	.....	.....	50	.....	.....	.....	.....	1,050
	Cooper	8		.....	.....	.....	150	.....	200	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	400
	Nicholson	1		50	50
	Taila	1		50	50
	Inverell	Gough		15	216	50	100	150	200	50	50	150	750
Hardinge		4		.....	.....	.....	200	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	200	
Araraita		1		.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Lithgow	Cook	53		20	.....	.....	.....	450	250	200	600	350	100	200	500	.....	.....	.....	.....	.....	.....	2,650
	Macleay River	Macquarie	1	53	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
		Dudley	5	6	.....	50	150	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	250
Mitchell (Wilcannia)	Young	1		.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	50	
	Livingstone	2		.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	100
Moama	Cadell	105		.....	.....	.....	4,100	400	150	.....	.....	.....	550	50	.....	.....	.....	.....	.....	.....	5,250	
	Townsend	1		.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Molong	Wellington	1	106	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	
	Ashburnham	1		.....	.....	.....	.....	.....	100	.....	50	50	100	.....	.....	.....	.....	.....	.....	.....	50	
	Gordon	7		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	350
Moree	Stapylton	1		9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	50
	Benarba	5		.....	.....	.....	.....	.....	.....	.....	100	.....	.....	100	50	.....	.....	.....	.....	.....	.....	250
	Courallie	5		.....	.....	.....	.....	.....	.....	.....	.....	.....	150	100	.....	.....	.....	.....	.....	.....	.....	250
Mudgeh	Phillip	26		11	50	50	.....	550	.....	.....	150	100	250	150	.....	.....	.....	.....	.....	.....	.....	1,300
	Wellington	4	30	.....	.....	.....	.....	.....	.....	.....	150	.....	50	.....	.....	.....	.....	.....	.....	.....	200	
Murrurundi	Pottinger	38		.....	1,450	.....	150	50	150	100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,900
	Brisbane	6		.....	.....	.....	.....	.....	.....	.....	200	100	.....	.....	.....	.....	.....	.....	.....	.....	.....	300
	Buckland	29		450	300	.....	.....	.....	.....	.....	100	.....	450	50	.....	100	.....	.....	.....	.....	.....	1,450
			73																				

PART 2—continued.

Land District.	County.	No. of V.L.O's used in each County	No. of V.L.O's used in each District	Year in which the Certificate issued.																	Area.			
				1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.				
				acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.			
Musclebrook	Durham	29	49	200	200	100	100	300	150	200	150	50	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Brisbane	5		.....	.....	.....	.....	.....	.....	.....	100	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,450	
	Hunter	15		.....	.....	.....	.....	50	.....	.....	650	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	250
Narrabri	Jamison	58	72	.....	50	.....	700	200	50	100	.....	700	450	350	200	50	50	.....	.....	.....	.....	.....
	Nandewar	12		.....	.....	50	450	.....	50	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,900
	Baradine	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	600
	Couralhe	1		.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Narrandera	Cooper	30	52	.....	.....	.....	.....	.....	.....	.....	600	300	250	350	.....	.....	.....	.....	.....	.....	.....	.....
	Mitchell	7		.....	.....	.....	.....	.....	.....	.....	.....	150	.....	100	100	.....	.....	.....	.....	.....	.....	.....	1,500
	Boyd	15		.....	.....	.....	.....	.....	50	.....	.....	.....	100	150	350	100	.....	.....	.....	.....	.....	.....	350
Newcastle	Northumberland	8	38	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	.....	350	.....	.....	.....	.....	.....	.....	.....	750
Orange	Bathurst	1		.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	400
Paterson	Durham	5		.....	.....	.....	.....	.....	.....	100	150	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50
Patrick's Plains	Durham	36	25	350	.....	100	100	50	200	550	.....	200	250	.....	.....	.....	.....	.....	.....	.....	.....	.....	250
	Hunter	2		.....	50	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,800
Parramatta	Cumberland	3	96	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100	50	.....	.....	.....	.....	.....	.....	.....	.....
Penrith	Cook	96		550	2,000	1,100	350	550	200	50	150
Port Stephens	Gloucester	1		50	4,800
Queanbeyan	Murray	24	1	550	200	.....	50	.....	100	.....	.....	50	200	50	.....	.....	.....	.....	.....	.....	.....	.....	50
	Cowley	1		50	1,200
Richmond River (Casino)...	Rous	30	181	50	500	50	100	.....	50	50	100	300	150	100	.....	.....	50	.....	.....	.....	.....	.....	.....
	Richmond	89		100	50	200	400	500	350	2,250	500	100	1,500
	Drake	55		250	450	100	200	650	850	150	100	4,450
	Gresham	3		150	2,750
	Buller	4		50	50	100	150
Rylstone	Philip	30	36	50	.....	.....	250	50	650	150	.....	300	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Roxburgh	6		300	300
Seone	Brisbane	37	40	.....	100	50	550	200	200	400	200	50	100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Durham	3		100	50	1,850
Shoalhaven	St. Vincent	3	154	.....	.....	.....	50	50	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tamworth	Pottinger	83		250	400	550	1,500	600	850	150
	Nandewar	27		650	150	400	100	50	4,150
	Buckland	27		50	500	350	100	50	1,350
	Parry	16		450	50	50	50	50	50	200	50	1,850
	Darling	1		50	50	50	50	800
Tenterfield	Arrawatta	8	11	400	
	Gough	3		150	400
				150	

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PART 2—continued.

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Land District.	County.	No of V L O's used in each County.	No of V L O's used in each District	Year in which the Certificate issued.																	Area.	
				1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.		
				acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	acres.	
Urana	Urana	222		...	...	...	...	...	100	3,000	3,300	1,200	450	1,350	700	100	...	...	...	...	11,100
	Boyd	1		...	...	...	...	...	50	...	...	...	...	...	...	...	...	...	...	...	50
	Hume	6		...	...	50	...	...	...	100	...	...	...	150	...	...	...	...	...	...	300
	Wynyard	2		...	...	...	...	...	...	100	...	...	...	...	...	...	...	...	...	...	100
			231																			
Wagga Wagga	Wynyard	130		50	350	800	1,400	1,550	750	450	100	400	350	200	100	...	...	...	...	...	6,500
	Urana	64		200	850	450	500	850	250	50	50	...	...	...	...	...	...	...	...	...	3,200
	Clarendon	2		...	...	...	100	...	...	...	...	...	...	...	...	...	...	...	...	...	100
	Mitchell	30		250	...	...	50	350	50	800	...	...	...	...	...	...	...	...	...	...	1,500
	Cooper	1		...	...	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	50
	Bourke	2		...	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	100
	Hume	1		...	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	50
			230																			
Walcha	Vernon	32	32	...	...	...	...	...	...	...	...	950	650	...	...	...	...	...	...	...	1,600
Walgett	Narran	2		...	...	...	...	...	...	...	...	100	...	...	...	...	...	...	...	...	100
	Finch	13		...	...	...	...	50	150	200	...	250	200	...	...	...	...	...	...	...	850
	Baradine	4		...	...	...	...	...	50	...	...	...	100	...	50	...	...	...	...	...	200
	Benarba	3		...	...	...	...	...	...	...	...	...	150	...	...	...	...	...	...	...	150
	Leichhardt	2		...	...	...	...	...	...	...	...	...	100	...	...	...	...	...	...	...	100
	Denison	1		...	...	...	...	...	...	...	...	...	...	...	50	...	...	...	...	...	50
				25																		
Warialda	Courallie	59		...	...	...	...	1,400	50	150	100	550	300	400	...	...	...	...	...	...	2,950
	Burnett	41		...	...	...	500	250	250	...	250	150	200	400	50	...	...	...	...	...	2,050
	Benarba	26		...	...	...	...	...	250	300	100	300	100	250	...	...	...	...	...	...	1,800
	Stapylton	6		...	...	100	...	...	...	50	...	100	...	...	...	...	...	...	...	...	300
	Arrawatta	20		250	100	...	100	150	200	...	...	...	100	100	...	...	...	...	...	...	1,000
	Murchison	34		150	250	150	1,000	...	...	...	150	...	...	...	...	...	...	...	...	...	1,700
			186																			
Wellington	Gordon	1		...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	...	...	50
	Bligh	5		...	...	...	...	...	...	...	...	100	100	...	50	...	...	...	...	...	250
			6																			
Wentworth	Taila	3		...	...	...	...	...	...	...	...	100	50	...	...	...	...	...	...	...	150
	Tara	1		...	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	50
	Wentworth	2		...	...	...	...	...	50	...	...	...	50	...	...	...	...	...	...	...	100
			6																			
Windsor	Cook	1		...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	...	50
	Cumberland	1		...	...	...	...	...	...	...	...	...	50	...	...	...	...	...	...	...	50
			2																			
Young	Monteagle	8		...	...	...	...	300	50	50	...	...	...	...	...	...	...	...	...	...	400
	Harden	4		50	...	150	...	...	...	...	...	...	...	...	...	...	...	...	...	...	200
			12																			
	Grand Total	3,183	3,183	6,650	9,000	4,700	15,950	22,800	14,400	20,850	12,300	18,750	12,600	14,150	5,750	850	500	100	...	...	159,350

Sydney: Charles Potter, Government Printer.—1887.

1887-8.

NEW SOUTH WALES.

VOLUNTEER FORCE REGULATION ACT OF 1867.

(REVISED REGULATIONS UNDER.)

Presented to Parliament, pursuant to Act 31 Vic. No. 5, sec. 50.

Colonial Secretary's Office,
Sydney, 5th December, 1887.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following revised Regulations under the "Volunteer Force Regulation Act of 1867," to take effect from the 1st January next.

HENRY PARKES.

105. No Officer or Volunteer under the system of partial payment shall, except in the case of Medical Officers, Quartermasters, and Quartermaster Sergeants, be entitled to classify as an efficient on the 1st January of any year, unless during the previous year he has attended as under:—

ARTILLERY.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Eleven out of sixteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Regiment or Corps belongs, as the Officer Commanding Volunteer Force may appoint.
- (d) Shot practice to be included in any of the above, as the Officer Commanding Artillery Forces may direct.

ENGINEERS.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Eight out of twelve half-days ordered for training, exercise and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding Volunteer Force may appoint.
- (d) Seven out of ten night drills ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding the Corps may appoint.

TORPEDO CORPS.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Fifteen out of twenty-two half days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding Volunteer Force may appoint.

INFANTRY.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.

- (c) Nine out of thirteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Regiment or Corps belongs, as the Officer Commanding Volunteer Force may appoint.

- (d) Course of Musketry.

CORPS AND REGIMENTS GENERALLY.

- (b) If absent with leave from annual inspection of Officer Commanding Volunteer Force or his representative, or through sickness duly certified, one attendance will be required in addition to those enumerated in (b) or (c).

REGIMENTS.

- (c) If absent without leave from annual inspection of Commanding Officer or his representative, or through sickness duly certified, one attendance will be required in addition to those enumerated in (b) and (c).

107. For the purpose of efficiency, the duration of parades shall be at least six hours for full day, two hours for half-day, and one hour at night; but should Corps or Regiments having assembled be dismissed through inclement weather or other cause before the hour specified be passed, such parade may be returned under the authority of the Officer Commanding Volunteer Force.

108. The Field Officers of a Corps or Regiment are not to be absent from Inspection by the Officer Commanding Volunteer Force without first having obtained his leave.

110. Other Officers and Volunteers who desire to be absent from Inspection for any special reason must apply to the Commanding Officers of Corps, stating reasons for their applications. If such reasons are not satisfactory, leave will be refused. In case of sickness a medical certificate must be transmitted within one week.

126. Pay and allowances shall be granted to the several ranks at such rates as may be sanctioned by the Government; but payment shall, under no circumstances other than those noted in paragraphs 23 and 106, be made, except for performance of actual duty, and on the following system,—for example, in the case of gunners, sappers, and privates:—

- (a) 10s. for each full day's attendance during the continuous and detached periods of training, and in the latter case to cover cost of provisions.
- (b) 5s. for each half-day's attendance.
- (c) 2s. for each night attendance.
- (d) 15s. for course of musketry with classification as marksman, 10s. as 1st-class shots, and 5s. as 2nd-class shots.
- (e) Balance unappropriated as above and equalling one-sixth of annual rate of pay as bonus for efficiency, and in the case of Torpedo Corps for extra proficiency.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

VOLUNTEER FORCE REGULATION ACT OF 1867.

(RULES, 5TH REGIMENT SCOTTISH RIFLES.)

Presented to Parliament, pursuant to Act 31 Vic. No. 5, sec. 50.

Colonial Secretary's Office, Sydney, 16th August, 1887.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve, in accordance with section 30 of the "Volunteer Force Regulation Act of 1867," of the accompanying Rules for the 5th Regiment Scottish Rifles, Volunteer Reserve.

HENRY PARKES.

5TH REGIMENT SCOTTISH RIFLES.

RULES adopted at a meeting of the Corps, held 28th February, 1887.

1. The Corps is serving as a Reserve Corps, under the "Volunteer Regulation Act of 1867," and each enrolled member by the act of joining becomes and is subject to the provisions of that Act and of any other Act by which it has been or shall be amended, and to all Regulations which have been or shall be issued under the authority of His Excellency the Governor, and to the Rules and Standing Orders of the Corps.

2. The Corps shall consist of two classes:—

- (1.) Enrolled members, who shall be divided into efficient and non-efficient.
- (2.) Honorary members, who shall not be enrolled for service.

3. Each candidate for enrolment in the Corps shall be proposed by two members. His full name, address, and profession or occupation, together with the names of his proposers, must be posted up at the Orderly Room of the Corps for not less than seven days, and shall be subject to the approval of a committee of officers, with whom the acceptance rests, subject to the Commanding Officer's approval.

4. Each enrolled member shall pay an entrance fee of five shillings and a quarterly fee of two shillings and sixpence, payable in advance, on or before the first day of January, April, July, and October in each year, commencing with the first quarter after enrolment.

5. Each member on joining must undertake to make himself efficient for three years should he remain so long in the Corps. In the event of his not making himself efficient, or quitting the Corps prior to the expiration of three years, he renders himself liable to pay to the funds of the Corps such sum as the Corps loses by reason of his default.

6. Any officer or other member who was returned in the list of non-efficient in the annual return of the Corps shall, on or before the 28th day of February next following, pay to the funds of the Corps a sum equal to the amount of Government capitation allowance which he failed to earn. The Commanding Officer shall have power to remit such payment in special cases.

7. Each member must be provided with uniforms and accoutrements of the authorized pattern, the undress uniform to be supplied by himself.

8. Each Member shall be responsible for the due preservation of all articles issued to him which are the property of the Government or of the Corps, or of individual companies, fair wear and tear only excepted.

9. The funds of the Corps shall consist of all moneys paid or contributed to the Corps, or for the purposes of the Corps, and of all moneys payable to the Commanding Officer or Corps by virtue of these rules, and of all moneys to which the Corps shall in any way become entitled; and "Property of the Corps" shall consist of the "Funds of the Corps," and of all articles, things, &c., purchased out of the funds of the Corps, or presented to the Corps.

10. The funds of the Company shall consist of all moneys paid or contributed to the Company, or for the purposes of the Company, and of all moneys to which the Company shall in any way become entitled; and property of the Company shall consist of the funds of the Company, and of all articles, things &c., purchased out of the funds of the Company, or presented to the company.

11. The Commanding Officer of the Corps, or during his absence the senior officer present, subject however to approval of the Commanding Officer, shall have power to inflict fines not exceeding five shillings for each offence, in all or any of the following cases:—

For (1) Appearing on parade not in the order of the day, or with clothing or accoutrements dirty, incomplete, or improperly put on.

- (2.) Having rifle, sword, or bayonet in a dirty or damaged condition, in addition to cost of cleaning or repairing.
- (3.) Not returning rifle, sword, bayonet, or accoutrements to Head Quarters when ordered.
- (4.) Loading contrary to orders, or shooting out of turn.
- (5.) Discharging rifle accidentally.
- (6.) Pointing rifle, loaded or unloaded, at any person without orders.
- (7.) Drawing sword or bayonet in public without orders.
- (8.) Leaving the ranks without permission.
- (9.) Talking or unseemly conduct in the ranks.
- (10.) Neglect of duty.
- (11.) Inattention and other minor irregularities.
- (12.) Minor cases of insubordination or disobedience of orders.
- (13.) Neglecting to notify to Officer Commanding Company change of address within fourteen days of such change.
- (14.) Wearing a badge without being entitled thereto.

And to inflict a fine not exceeding the sum of twenty shillings for drunkenness on parade or duty, or in camp or elsewhere in uniform, for the first offence. A repetition of the offence within twelve months to be punished by discharge.

12. All fines imposed on members of the Corps shall be entered in a book kept under the direction of the Commanding Officer for that purpose.

13. All fines shall be paid on or before the first day of the month succeeding that on which they have been incurred, and shall be collected by the Colour-sergeant, and paid by him to the Commanding Officer.

14. That a list of all members who, fourteen days after written notice, are in arrears with payments of quarterly subscriptions or of fines, or any other moneys due by virtue of these Rules, shall be posted up at the Orderly Room; and if the amount due by any member be not paid within thirty days of the date on which such amount became due, such member shall be subjected to a fine of ten shillings for each separate amount for which he has made default.

15. The property of the Corps is, by the "Volunteer Regulation Act of 1867," vested in the Commanding Officer, but there shall be a Finance Committee to aid him in the management of the finance of the Corps. This committee shall consist of the Commanding Officer (*ex officio*) and three officers, to be elected annually by the officers. The committee shall retire annually, and two only of the three elected members of the old Committee shall be eligible for re-election.

16. The Commanding Officer shall cause an abstract of the accounts to be annually, prepared for the information of the members of the Corps.

17. A General Meeting of the members shall be held annually, in the month of February, of which seven days' notice shall be given. Special meetings may be convened by the Commanding Officer at his discretion, seven days' notice of such Special Meeting to be given by circular or advertisement specifying shortly the nature of the business to be transacted thereat.

18. A Regimental Committee shall be appointed each year at the Annual General Meeting to assist in the civil as distinct from the financial affairs of the Corps, such Committee to consist of the Officers and three enrolled efficient members from each Company, one of whom will be a Non-commissioned Officer.

19. These Rules may be rescinded, amended, or added to at the Annual General Meeting or at a Special Meeting called for the purpose. Notice of any proposed alterations to be given in writing not less than fourteen days before the date of holding such Special or Annual General Meeting; but no alterations of these Rules shall have force or effect until approved by His Excellency the Governor.

20. Each member is expected to provide himself with copies "Field Exercises," "Rifle Exercises," "Volunteer Acts of 1867 and 1878," "Regulations," and the Rules and Standing Orders of the Corps.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MANUFACTORY FOR AMMUNITION.

(CORRESPONDENCE RESPECTING PROPOSED ESTABLISHMENT OF.)

Ordered by the Legislative Assembly to be printed, 30 May, 1888.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Treasurer, New South Wales.

Sir,

Premier's Office, Melbourne, 20 April, 1886.

I beg to forward herewith for your consideration a copy of a communication (with its enclosures) from my colleague the Honorable the Minister of Defence, relative to the question of subsidizing a Company for the manufacture of gunpowder and ammunition in Victoria.

I shall be glad to learn at your convenience the views of your Government on the subject.

I have, &c.,

D. GILLIES,

Premier.

(No. 365.)

[Enclosure.]

Sir,

Defence Department, Melbourne, 8 April, 1886.

I have the honor, by direction, to forward for your consideration two letters, $\frac{8}{11}$ and $\frac{8}{11}$, dated 19 February, from the Agent-General, replying to questions addressed to him by the late Minister of Defence, with reference to the likelihood of a private Company establishing a gunpowder factory, also an ammunition factory, in Victoria.

It will be seen by the copy of a letter in $\frac{8}{11}$, from the Chilworth Gunpowder Company, that this Company is carefully considering the question, and promises a further report; but they feel that for so costly a matter the requirements of Victoria only would not warrant the outlay of a considerable amount of capital.

Taking into consideration the length of time that actually elapses in procuring gunpowder from England, namely, eight to ten months (which period is much extended when England is engaged in one of her numerous little wars, and would be indefinitely increased if she were engaged in war with a maritime power—indeed, it is doubtful if any ammunitions of war could then be obtained from England at any cost)—it is obvious that this is a matter of very great importance, not only to Victoria, but to Australia as a whole; and that as a very considerable time must elapse before the manufacture of gunpowder could actually commence, steps to bring about this desirable result should be taken at an early date.

The Minister would therefore urge that you communicate with the Premiers of the other Colonies with a view to ascertain their opinion upon this subject.

If the Australian Colonies, or a majority of them, could be induced to unite in this matter, a Company might be encouraged to set up a manufactory by a subsidy for a fixed term of years, or a reasonable dividend guaranteed upon the original outlay. An alternative suggestion, as proposed by the Chilworth Company, would be the imposition of productive duties upon every kind of gunpowder by all the Colonies.

Much expense will now be saved by a recent invention by which the acids necessary in the manufacture of gunpowder, &c., can be changed into solid salts, and in that state can safely be transported on board ship without danger to the ship, and therefore at the ordinary freights.

The Honorable the Minister of Defence has lately received from England a sample of nitric and sulphuric acids in form of solid salts.

The letter $\frac{8}{11}$ is with reference to the manufacture of small-arm cartridges, fuzes, friction tubes, and such-like.

The arguments used to show the importance of a gunpowder factory apply equally to these articles; and to New South Wales, at least, the necessity of such a factory being established will be nothing novel, as the Royal Commission on Defences, held in Sydney in 1881, reported "that steps should be taken to purchase a plant for the purpose of making up small-arm ammunition."

For all supplies we are now dependent upon England, and in time of serious war not only should we be unable to procure small-arm ammunition from the War Department—the producing power of which could not meet their own consumption—but in all probability, as in the Crimean War, in the Indian Mutiny, and in the threatened war with Russia last year, all the private manufactories were engaged for the Imperial Government, and supplies could only be obtained from private firms, if at all, at largely increased prices. If you should entertain this proposal, and communicate with the other Premiers, you may wish to ascertain, with a view of affording full information to the Agent-General, the annual expenditure of small-arm ammunition. In this Colony it is from two to three million of ball cartridges, and about 300,000 of blank.

With reference to the gunpowder factory, the late Minister of Defence applied to the War Department for an estimate of the cost of the buildings and plant required to make a factory, and it has been given as follows for the manufacture of blank powder only, viz. :—

Plant of machinery.....	£23,000
Buildings.....	38,000
Total.....	£61,000

It appears to the Minister of Defence that, if possible, it would be far more advantageous for a factory to be started by a private Company, having at their command experienced managers and foremen, than to incur the outlay of constructing one with the necessary machinery, and obtaining—probably at very high rates—the necessary managers, foremen, and skilled artisans required.

I have, &c.,

M. F. DOWNES,

Major-General.

Sir,

The Honorable the Premier.

(86-651.)

Sir,

Victoria Office, 8, Victoria Chambers, Westminster, S.W., 19 February, 1886.

With reference to your Despatch, No. 176, of the 12th November last, directing me to make inquiries as to the terms, &c., upon which a Company would undertake to establish a factory in the Australian Colonies for the manufacture of powder, gun-cotton, dynamite, &c., I have the honor to inform you that having communicated with the Chilworth Powder Company on the subject, I have received in reply the letter of which a copy is subjoined, from which you will observe that they have promised to give the matter their careful consideration.

Upon receipt of their promised further reply I will communicate its terms to you.

The Honorable the Minister of Defence, Melbourne.

I have, &c.,

ROBERT MURRAY SMITH.

Sir,

6, Great Winchester-street, E.C., 20 January, 1886.

We beg to acknowledge receipt of your letter of 14th instant, No. 206-86.

The question of the terms on which we would be prepared to establish a powder factory in the Colony of Victoria requires very careful consideration. We shall go fully into the matter, and hope to reply to your inquiry in about a week.

We must, however, say that the establishment of a gunpowder factory for the production of military powder, especially of brown prismatic or cocoa powder, is an exceedingly costly affair, and we are afraid that the comparatively small requirements of the Colony of Victoria would scarcely be sufficient to warrant the outlay of a considerable amount of capital.

If, however, all, or at least the majority of the Australian Colonies could be induced to unite in this matter, and if an increased protective duty could be put on every kind of powder imported from Europe to Victoria, we should, no doubt, be enabled to establish a factory in your Colony.

We have, &c.,

For the Chilworth Gunpowder Company, Limited,

E. KRAFTMEIER.

The Agent-General for Victoria.

(86-656.)

Sir,

Victoria Office, 8, Victoria Chambers, Westminster, S.W., 19 February, 1886.

With reference to your despatch, No. 180, of the 18th November last, relating to the establishment of an ammunition factory in the Australian Colonies, in which you direct me to ascertain whether the same Company which would make the powder, &c., could also undertake to manufacture solid drawn cartridges, fuzes, &c., I have the honor to enclose for your information copy of a memorandum by Major-General Steward, giving the result of inquiries on the subject, made by him at my request.

ROBERT MURRAY SMITH.

The Honorable the Minister of Defence, Melbourne.

[Copy.]

THE Chilworth Powder Company cannot undertake the manufacture of solid drawn cartridges, or any kind of small-arm cartridges.

A powder factory has often cartridge-filling rooms in connection with it, in which cartridges for large guns are made up.

The manufacture of satisfactory solid drawn cases is attended with so much trouble, requires so much skill and so much plant, that it could not be undertaken as an adjunct to a powder factory without a separate and special management. One of these solid case small-arm cartridge Companies now in England might be tempted to establish a factory in the Colony for military cartridges, if it could secure thereby the sporting-cartridge trade of the Colony.

The supply of military cartridges is relatively so small that a factory could not be maintained even in this country if its output were limited to military orders.

E. HARDING STEWARD, 1/2/86.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Treasurer,
New South Wales.

(86-2,161.)

Sir,

Premier's Office, Melbourne, 21 June, 1886.

Viewing the great importance of these colonies being rendered independent of any external source of supply of gunpowder, I beg to inquire whether your Government has yet arrived at any decision on the proposal to establish a local factory, as communicated by my letter of the 20th April, 1886, No. 1,388.

I have, &c.,

D. GILLIES,

Premier.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary,
New South Wales.

(87-3,478.)

Sir,

Premier's Office, Melbourne, 27 September, 1887.

With reference to my letter of the 20th April, 1886, relative to the question of subsidizing a Company for the manufacture of gunpowder and ammunition in Victoria, I have now the honor to forward herewith, for the information of your Government, a copy of a communication from the Agent-General for Victoria, enclosing a letter from Mr. B. T. Moore, of the Bexley Manufactory, Kent, England, containing important proposals relative to the establishment of a small-arms ammunition factory.

I also enclose herewith a copy of a communication on the same subject from Mr. John Whitney, of London, and I may mention that the Honorable the Minister of Defence considers these proposals preferable to those of Mr. Moore.

I have, &c.,

DUNCAN GILLIES,

Premier.

[Enclosures.]

(87-1,015.)

Sir,

Victoria Office, 8, Victoria Chambers, Westminster, S.W., 11 March, 1887.

Enclosed please find a letter from Mr. B. T. Moore on the subject of establishing in Victoria a small-arms ammunition factory. This is the communication I referred to in my last letter on the subject, and is, I think, in all respects satisfactory.

I have not yet had an opportunity of inspecting Mr. Moore's manufactory at Bexley, but I intend to do so on an early day. Mr. Moore informed me that, on receipt of an official communication that his terms had been accepted by the Government of Victoria, he would at once proceed to the Colony with the view of commencing operations.

With respect to the 6th and 7th conditions, I understand that the price would not exceed that ordinarily paid.

The

The 10th condition is the only substantial addition to the terms proposed by the Government, viz., a site of about 30 acres. This in some country town, say Geelong, which would be most suitable, would not be a serious item, and the advantage of such a factory is so manifest that I do not anticipate you will delay accepting Mr. Moore's offer. If this should be the case, the word "factory" in your first cablegram will be looked upon as justifying Mr. Moore's sailing for Melbourne with a view to completing operations.

My last letter above referred to was addressed to the Minister of Defence, but in his absence from Melbourne I think it better, as the question is somewhat urgent, to address you directly. I will, however, immediately on Mr. Lorimer's arrival here, communicate a copy of this letter to him.

I have, &c.,

GRAHAM BERRY.

Dear Sir,

Longwood, Bexley, Kent, 9 March, 1887.

Since my interview with you on the 1st instant, I have considered the question of establishing a factory for small arms ammunition in the Colony of Victoria, and now beg to say that I am prepared to undertake such an enterprise upon certain clear and well-defined conditions. The first four of these conditions have been laid down by yourself, and are as follows:—

1. The Government will grant a subsidy of two thousand five hundred pounds sterling (£2,500) to the first factory for small arms ammunition established in this Colony.
2. The Government will take the whole of its requirements of rifle cartridges, ball and blank, from such factory, provided the quality is equal to that obtained in England, and the price reasonable as compared with original cost in England, plus freight, &c.
3. The present annual consumption, and which is sure to increase as the Rifle Clubs are more developed, is—

3,000,000 M.-H. rifle ball cartridges.

300,000 ,, blank ,,

200,000 ,, carbine ,,

4. The Government will be perfectly willing to give me the option of adding a gunpowder plant, should I wish to do so.

Besides the foregoing conditions, I think some others will be essential. These I will now state.

5. The Government will purchase yearly not less than 3,500,000 of cartridges mentioned in article 3.
6. The Government will purchase from me, in addition to rifle cartridges, all ammunition which may be required for heavy guns, quick-firing and machine guns, and all parts of ammunition, such as shot, shell, fuzes for shells, gunpowder, &c.
7. The Government will purchase from me the ammunition which they may require before the factory in contemplation can be erected and worked, such ammunition to be made by me in my existing English factory.
8. The Government will admit free of duty all materials which I may require to import for the purposes of the intended factory.
9. The Government shall give me liberty to sell ammunition within the Colony, and to export the same free of any duty.
10. The Government will grant a suitable site of land, of not less than 30 acres, in a convenient locality on a line of railway and near to a labour market, and having, if possible, the convenience and advantage of water power.
11. The concession to be granted by the Government shall be for a period of twenty years.
12. The subsidy of £2,500, mentioned in Article 1, shall be paid to me as soon as the factory is established and in working order.

With regard to Articles 6 and 7, I beg to say that I have made large quantities of ammunition for heavy guns, for 6-inch, 8-inch, and 10-inch guns, many of which are now in the Australian Colonies, as well as smaller cartridges, and that I shall be prepared to make these in Victoria, if I establish a factory there. I am also making shells and fuzes for shells, and other parts of ammunition.

It would be some help to me to supply these articles to the Governments, and, I think I may add, advantageous to themselves as regards cost, &c.

I think it well to say that I fully contemplate the establishment of a factory for the manufacture of gunpowder also, but I should not think it prudent on my part to undertake this until the ammunition factory is well established. I have for many years past taken an active part in the manufacture of gunpowder, and in the improvement of machinery for its production, and I know well how to lay out a factory, and all that is required for it.

I have, &c.,

B. T. MOORE, M.I.C.E. & M.E.

To the Hon. Sir Graham Berry, K.C.M.G., &c., &c.

Dear Sir,

Junior United Service Club, London, S.W., 21 July, 1887.

Referring to the interview I had with you respecting the establishment of a Small Arms Ammunition Factory in the Colony of Victoria, I beg respectfully to make the following proposition, and shall be glad if you will lay the same before your Government.

As stated to you at our last meeting, I have been for some time engaged upon the manufacture of cartridges in Auckland for the Government of New Zealand, and came to England a short time since to purchase additional machinery, to increase production, and to prepare for the probable change in small arms; and, whilst here, have made arrangements with Messrs. Greenwood and Batley, who make all the Woolwich cartridge machinery, and some one or two other gentlemen, who have joined me in forming a small private company for the production of small arms ammunition, and possibly, later on, of war stores generally.

Seeing that the Australian Colonies are desirous also of establishing a factory for supply of S.A. ammunition, our Company would be prepared to start a factory in the Colony of Victoria if we could receive the support of the Government.

What we should ask would be, first, a subsidy from Government, which, considering the costliness of the machinery required, and its installation, should not be less than £5,000. A site in a favourable position for all colonies, and, from military point of view, with favourable terms for the introduction into the Colony of plant and necessary material, and contracts for, say, ten years.

If such a proposition is likely to be favourably considered by your Government, I shall be glad, upon my approaching return to New Zealand, to go over to Melbourne and treat with you personally on the subject. I am taking out all new plant of the latest inventions, and expect to have it working before next year.

I am, &c.,

JOHN WHITNEY.

Sir James Lorimer, K.C.M.G.

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P.,
Victoria.

Sir,

Colonial Secretary's Office, Sydney, 6 October, 1887.

I have the honor to acknowledge the receipt, with thanks, of your letter of the 27th ultimo, forwarding correspondence with reference to the proposal of subsidizing a Company for the manufacture of gunpowder and ammunition in Victoria.

I have, &c.,

(For the Colonial Secretary,)

CRITCHETT WALKER,

Principal Under Secretary.

The

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

(88-1,173.)

Sir,

Premier's Office, Melbourne, 22 March, 1888.

Dated 15th
March, 1888.

I have the honor to forward herewith, for your consideration, a copy of a memorandum by the Honorable the Minister of Defence, relative to the proposed establishment of a Federal Factory for the manufacture of rifle-ball cartridges, and I shall be glad if your Government will accord its support to the proposed undertaking.

I have, &c.,

D. GILLIES,

Premier.

[Enclosure.]

Memorandum for The Honorable The Premier.

(No. 375.)

Defence Department, Melbourne, 15 March, 1888.

DURING September last, at an interview with Sir Henry Parkes, he very favourably entertained the idea of establishing a Federal Factory for the manufacture of rifle-ball cartridges. I shall therefore be glad if you will communicate to him an offer (copies enclosed) made, without any solicitation on the part of this Government, by Captain Whitney to establish such a factory in Victoria. Captain Whitney will, I believe, shortly visit Melbourne with a view to looking for a favourable site.

As it is very probable that he will come to terms with this Government, will you be good enough also to ask Sir Henry, in accordance with Captain Whitney's request, whether he will give his Government's support to the Company, and procure the rifle cartridges from them in the terms indicated.

JAMES LORIMER,

Minister of Defence.

Sir,

Northern Club, Auckland, 12 February, 1888.

I enclose offer from our Company, and hope it will meet your approbation.

If there is any alteration I can make to meet your views in detail of arrangement, I shall be glad to do so.

I leave to day for Wellington, but shall return before the end of the week.

Yours, &c.,

J. WHITNEY.

Hon. Sir James Lorimer, Defence Minister, Melbourne.

Sir,

Northern Club, Auckland, 12 February, 1888.

I have the honor to submit to you the following terms for the consideration of your Government:—

"Our Company," which consists of Messrs. Whitney & Sons; Messrs. Greenwood & Batley, of Leeds; J. Hall, Esq., of Mount Morgan; J. D'Arcey, Esq.; Captain DeLusada, R.N.; J. Clarke, Esq.; and T. W. Cartwright, Notts, will undertake contract to supply all your small-arm cartridges for a period of twenty-five years, or longer if required, at a rate of 3,000,000 or upwards per annum, and could also make practice ammunition for small artillery if required.

Messrs. Greenwood & Batley can also undertake to manufacture torpedos for coast defence either in our works in Melbourne or at Home.

All machinery will be on the same pattern as that in Royal Arsenal Woolwich, and by the same makers, viz., Messrs. Greenwood & Batley.

The Company will undertake to deliver cartridges within twelve months of grant of site for works on following conditions:—

Conditions of Contract.

1. Grant of site on Saltwater Creek, with railway siding, if possible.
2. Powder to be provided by Victorian Government, as mentioned in our interview, and paid for by Company, in any way required by Government, and issued from magazine as required.
3. Bonus of £5,000, in consideration of cost of transport of such heavy and costly machinery and erection where labour is so expensive; and a moderate sum, instead of free importation, for our plant and materials (say £2,000).

Price of cartridges to be at current prices in America or England, as may be agreed, plus the carriage, insurance, &c. This is the nearest we can go to it, as the price of materials varies so much from time to time.

The Victorian Government to endeavour to induce New South Wales to join in taking their cartridges from firm for twenty-five years.

It is, of course, understood that in all ways the Company shall study the interest of Victorian Government as if they were a Government arsenal.

A telegram will bring me to Melbourne by first steamer from Auckland.

I have, &c.,

JOHN WHITNEY,

(For Colonial Ammunition Company).

Hon. Sir James Lorimer, Defence Minister, Melbourne.

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P., Victoria.

Sir,

Colonial Secretary's Office, Sydney, 3 April, 1888.

I have the honor to acknowledge the due receipt of your letter of the 22nd ultimo, enclosing a memorandum from the Minister of Defence on the proposal to establish a "Federal Factory for the manufacture of Rifle-ball Cartridges," and expressing a desire that this Colony should accord its support to the proposed undertaking. I have carefully read Sir James Lorrimer's memorandum, with its enclosures. I regret to say that I do not see how this Government can accord its support on Federal grounds to a factory of this character already decided to be established on Saltwater Creek, which would be more correctly described as subsidising a Victorian factory than as assisting to establish a Federal one.

In the conversations which I had the honor to hold with you and other Members of your Government some months ago in Melbourne, this proposal, among other matters, was mentioned, and it was then suggested that the site of any such factory should be in the locality which might be mutually agreed upon as most convenient and acceptable to all the colonies joining in the undertaking.

I have, &c.,

HENRY PARKES.

The

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

(88-1,381.)

Sir,

Premier's Office, Melbourne, 9 April, 1888.

I have the honor to acknowledge the receipt of your letter of the 3rd instant with reference to the proposed establishment of a Federal Factory, for the manufacture of Rifle-ball Cartridges.

I have, &c.,

D. GILLIES,

Premier.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

(84-1,463.)

Sir,

Premier's Office, Melbourne, 13 April, 1888.

With reference to your communication of the 3rd instant, expressing the inability of your Government to accord its support to the proposition of Mr. Whitney, for the establishment of an Ammunition Factory on the banks of the Saltwater Creek, near Melbourne, I desire to point out to you that Mr. Whitney's proposals, as submitted for your consideration by my letter of the 22nd ultimo, were entirely spontaneous. They were not in any way suggested to him on behalf of this Government.

I may explain that it was not contemplated by my letter that any portion of the bonus, &c., should be paid by your Government—only that you should so far co-operate in the undertaking as to procure your supply of cartridges from Mr. Whitney's factory.

I shall be very glad if you can see your way to re-consider the proposals submitted, altogether apart from the question of the site specially named by Mr. Whitney.

If your Government can agree with Mr. Whitney in fixing upon an eligible site for the manufactory in Sydney, and, on consideration, it should be thought, under all the circumstances, the most suitable one, and you are disposed to accede to the conditions as to grant of site, bonus, &c., attached by Mr. Whitney to his offer to this Government—Victoria will be just as willing to co-operate in the undertaking by procuring their supply of cartridges from the factory as you are asked to do if the works be established in Melbourne.

I hope to be favoured with an early expression of your views upon the question under this aspect.

I have, &c.,

D. GILLIES,

Premier.

The Metropolitan and Coast District Surveyor to The Principal Under Secretary.

Department of Lands, Sydney.

Minute Paper.—Site for establishment of Cartridge Factory for the Australian Colonies generally, as proposed by Capt. Whitney. No. 1138. 3 May, 1888.

In accordance with verbal instructions, I have had the above matter under consideration with Capt. Whitney, and now have the honor to report, for the information of the Colonial Secretary, that the applicant desires the following conditions in connection with such a site :—

Verbal Instructions.

1. An area of about 5 acres of Crown Land.
2. A large concentrated population, so that junior factory hands may always be available.
3. Water-carriage; and therefore water-frontage.
4. The proximity of a rifle range, for testing cartridges, &c., &c.

These are the leading points of applicant's requirements, and after carefully considering the matter with Capt. Whitney, and submitting the official plans for his inspection with my own explanations, I am of opinion that there is no site of Crown Land meeting the requirements.

JOHN W. DEERING, C.E.,

Metropolitan and Coast District Surveyor.

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P., Victoria.

Sir,

Colonial Secretary's Office, Sydney, 14 May, 1888.

In replying to your letter of April 13th on the subject of Mr. Whitney's proposal to establish an Ammunition Factory in Melbourne, I desire to explain that the public business pressing upon this Government for some weeks past and at present is very severe; and for this reason your communication has not received immediate attention.

2. I have seen Mr. Whitney several times and have placed at his disposal an officer of the Survey Department to assist him in selecting a site; but Mr. Whitney puts forth one condition which I am bound to say I do not fully appreciate, namely, the necessity of the close proximity of a dense population to supply "junior hands" for his manufactory.

3. When I had the opportunity of conversing with you and Sir James Lorimer, in Melbourne, on the policy of manufacturing within Australia the material of war, so far as this might be found to be practicable, the whole conversation was conducted on the assumption that any manufactory of the kind should be federal in its character and operation. I fail to see how this desirable and reasonable condition could be secured by the institution being located either in Melbourne or Sydney. If, on the other hand, the locality could be chosen at the conterminous point of the three colonies of South Australia, Victoria, and New South Wales, or, if this is not practicable, at some eligible place, Albury or Echuca for example, on the river Murray, I should be prepared to ask Parliament to approve of our paying our equal proportion of the necessary expense to establish a Federal Factory, in accordance with the view I have entertained from the first discussion of the subject.

4.

4. If the factory is, however, to be established by the Government of Victoria, on the condition of other colonies obtaining their supplies from that source, it cannot possibly be of the character originally foreshadowed, and the result will probably be the establishment, at an early date, of a second and competing factory in Sydney.

5. In the event of Mr. Whitney carrying out his project under the auspices of the Victorian Government, there will be no objection on our part to purchasing from him or his principals, on condition that the quality and price are equally favourable with those of other sources of supply.

I have, &c.,

HENRY PARKES.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

Sir,

Premier's Office, Melbourne, 17 May, 1888.

I have the honor to acknowledge the receipt of your letter of the 14th instant, in reply to mine of the 13th ultimo, with reference to Mr. Whitney's proposal for the establishment of an ammunition factory.

I have, &c.,

(For the Premier,)

WM. SEWELL,

Acting Secretary.

NOTE.—The asterisks represent details in connection with armament, disposition of guns, arrangement of mine fields, and disposition of Field Force in time of war, which it would be impolitic to make public.

JOHN S. RICHARDSON, M.-G.

Appd.—H.P.,

30/11/87.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

DEFENCES OF NEW SOUTH WALES.

(REPORT OF MAJOR-GENERAL SCHAW.)

Presented to Parliament by Command.

Sydney, 19 August, 1887.

Sir,

Since my arrival in Sydney, on the 28th July, in accordance with your request, I have been engaged in investigating the means of defence possessed by the Colony of New South Wales, and in considering what further measures are necessary for security against any probable attacks to which it may be liable. I will assume that the correspondence now in progress between Great Britain and the Australian Colonies on the subject of an Australian fleet to combine with the Imperial war-ships in the general defence of these waters will shortly be brought to a successful issue, and that consequently a powerful squadron will always be in existence prepared to meet any hostile fleet, or to cope with an enemy's cruisers. Looking, however, to the growing power of Russia and France in the Pacific Ocean, to the great extent of the seaboard, and the trade to be protected, and to the necessity of providing safe harbours for the defence vessels, with supplies of coal and other munitions, it is evidently imperative that local defences should also exist. It is to be observed also that these local defences must be of such a nature, and so well organised, that they shall be thoroughly reliable and capable of being brought into action at very short notice. Wars break out suddenly, and the foreign nations with which we may have to deal are thoroughly prepared for war, and might endeavour to strike sudden and heavy blows, and consequently any system of defence which counted on ample time being afforded for improvised defences and gradual training of troops would be certain to fail in the time of need.

The first line of defence of the Australian Colonies will always be the fleet, which it is assumed will be a strong fleet, capable of coping with any probable combination of foreign war-ships.

There are, however, two contingencies which cannot be ignored. The defence fleet may be overpowered or it may be eluded. If it be overpowered the victorious enemy would be able to undertake a large expedition for the purpose of landing an army on Australian soil; but not immediately, for he would doubtless have suffered heavily in the naval engagement, and would require time for refitting and making preparations for invasion, his base, we may suppose, being New Caledonia or the New Hebrides.

Time would therefore be gained for preparation.

If the enemy eluded the defence fleet either with his whole fleet or with a part of it, or with one or two swift cruisers, he might suddenly make a naval attack on Sydney, or some other town or port, either by entering the harbour if unopposed, or by bombarding from outside, and so exact a large sum of money and destroy stores and munitions. In such a case a small number of men—perhaps 2,000 or 3,000—might be landed, but a large invasion would not be practicable, as an enemy could not bring a large fleet of transports, and rapidity of execution would be essential to the success of his scheme lest the defence fleet should arrive on the scene.

From the above considerations it would appear that New South Wales must be prepared to resist at short notice a naval attack delivered by one or two cruisers, or even by a fleet including some powerful ironclads, and capable of landing some 2,000 or 3,000 men; but that such an attack could not be of long duration. And further, that under very adverse circumstances the Colony might possibly have to resist a serious attempt at invasion, but that this could not be undertaken without considerable time being given for preparation.

The main object for an enemy would, of course, be Sydney, the capital of the Colony, where its wealth is concentrated, and which is the refitting station for the defence fleet. Sydney must therefore be made absolutely safe against all probable attacks by sea or by land. The only two other points requiring defence at present are Newcastle and Wollongong, the coal supplies at which places are of immense importance, both to the Colony and to its defence fleet. They would also be very valuable to an enemy.

* * * * *

Submarine mine defences are in most cases an essential part of the defence of harbours, and submarine mining stores in considerable quantity are in possession of the Government, but they are not complete in detail, and no proper means for keeping them safely in readiness for immediate use, nor for laying, maintaining, defending, and firing them at present exist. Reliance is placed on extemporizing these necessary things in time of war, but it is hardly necessary to emphasize the fact that time is an all important factor in defence, and unless the mines can be quickly laid, and the men and officers who are to use them are thoroughly trained, and familiar with their duties by constant practice, they will be as useless for defence as guns would be under similar conditions.

The details of the submarine mining material on hand, and demanded, are given in Appendix B. Of the stores demanded the provision of steamers for laying the mines is of the highest importance—without them no real instruction can be carried on.

The quantity of small arms and ammunition issued or in store is shown in Appendix A. It is premature to purchase magazine rifles until the Imperial authorities have decided on a suitable pattern, but it would be well to obtain a certain number as soon as the question of pattern is settled, and to eliminate the various obsolete or unusual patterns of arms and ammunition now on hand, which would give rise to mistakes and embarrassment in war. A central arsenal for the manufacture of ammunition for the Australian Colonies would be of considerable advantage.

As regards personnel, the Estimates for 1887 show that, exclusive of officers, staff, and regimental and N.C. officers specially employed, the rank and file, including corporals and bombardiers of the Permanent Artillery Force, provided for, numbers, 318; and of the Volunteer Artillery, 418; making a total of 736. Provision is also made for paid volunteers in the following numbers:—Engineers (Pioneers), 88; Submarine Miners, 132; Infantry, 1,632; and there is a capitation grant for efficient Volunteers to the extent of 450 Cavalry, 200 Artillery, and 1,850 Rifles.

In addition to the above land forces items appear in the Estimates for Volunteer Naval Artillery, but no number of men is specified, and for a force of 328 of all ranks, entitled the "Naval Brigade."

The following extract from a local paper purports to give the strength of the corps of Volunteer Naval Artillery:—"Commander, 3 lieutenants, 4 sub-lieutenants, warrant officer instructor, 2 chief petty officers, armourer, 4 1st class petty

petty officers, 4 2nd class petty officers, 8 leading seamen, 99 men and 22 recruits, 2 surgeons, 2 1st class petty officers, 2 2nd class petty officers, 20 stretcher-bearers, paymaster, assistant paymaster, bugle major, 2 bandmasters, 4 petty officers, 42 bandmen, 2 buglers, 1st class petty officer (tailor). Total, 229."

Thus it would appear that (on paper) the land forces of the Colony, exclusive of Staff and Officers and Senior N.C. Officers, amount to 5,088 men of all arms, and the naval forces to 557, including the Volunteer Naval Artillery. Such a force, if efficient, ought to be ample for all defence purposes. But I observe in the "Report of the Major-General Commanding on the Military Forces of New South Wales for 1886," that while the Permanent Artillery and the Volunteer Force under partial-payment system were fully up to their strength, and with some exceptions, their proficiency in the execution of their duties was good, the Volunteer Reserves only numbered 2,711 (5,000 were provided for in the Estimates of 1886, but only 2,589 in the Estimates of the present year), and the Major-General states that not only are the numbers decreasing year by year, but that the standard of efficiency is very low. Of the above 2,711, only 58 per cent., or 1,572, could be passed as "efficients" in *drill*, and only 364 had gone through a course of *musketry instruction*. These 364 then are all that would be of any use as infantry on the field of battle.

The actual land forces of the Colony therefore number at present about 2,952.

Artillery, Permanent	...	...	...	...	...	...	318
,, Volunteers	...	...	...	...	...	...	418
Engineers, Pioneers	...	...	...	...	...	...	88
,, Submarine miners	...	...	...	...	...	...	132
Infantry	...	...	...	...	...	...	1,632
Reserves	...	...	...	...	...	...	364
							2,952

Of the naval forces, Commodore Wilson in his evidence given before the Royal Commission of 1887 states in reply to the question, "With the Naval Brigade as it is now constituted we have nothing more than a land force?" "They may be very good men but they are only used as a land force. . ." And Captain Acland, R.N., reporting in 1885, gives it as his opinion that the Naval Brigade and the Naval Artillery Volunteers should either "be abolished or the 'Wolverene' should be used as a training ship, and the Naval Brigade and the Naval Volunteers should be made to learn naval duties." Since the dates of those reports no change has been made in the constitution of those bodies. Two torpedo boats and forty Schwartzkopf torpedoes have been obtained, but no proper place for storing and maintaining them and no trained men or organization for using them have been brought into existence.

It is clear that the duties of the naval forces of the Colony must be distinctly defined, that they must be placed under one responsible head, and properly organized and trained to perform those duties. The materials for a very valuable naval auxiliary defence are apparently in existence, but without proper organization they will not be able to do much good.

The general principle on which the defence forces of the Colony of New South Wales are at present organized is, that the defence of the liberties, lives, and property of the Colonists should depend mainly on the voluntary services of such of the inhabitants as by reason of their mental and bodily energy and strength, and their patriotism, feel themselves fitted for the work and called upon to undertake it; but that those so taking upon themselves this onerous duty on behalf of their fellow countrymen should be paid such a reasonable sum as shall free them from pecuniary loss, while they have at the same time such honorable distinction in the way of uniform and rank as is right and fitting. These volunteers, while serving, place themselves under the military control of the General Commanding and of the officers serving under him, in accordance with the absolute necessities of effective military service, and if called out for war service would be paid as the Permanent Force. In addition to these paid volunteers, there are other bodies of unpaid volunteers who undertake military duties from similar motives, but who, it is to be presumed, have more pecuniary means at their disposal, and are therefore independent of Government aid. Unfortunately these Volunteer Reserves do not appear to be popular, and their numbers and efficiency decrease annually. It has been frequently recommended

recommended that the system of paid volunteers should be slightly modified, and that they should be enrolled as volunteer militia. I am informed that this change would be generally acceptable to the men. It certainly would give greater stability to the force and, as I believe, the volunteer militia system has succeeded in Victoria it is worthy of consideration whether it might not also be introduced with advantage into New South Wales. This would be a step in the direction of that military federation which is so much to be desired.

To give efficiency to the volunteer forces who are unable to devote more than a very limited time to training and practice of military service, it is essential that there should be a small proportion of permanent trained troops to take charge of stores, to act as instructors, and to form a thoroughly efficient nucleus on which the volunteer troops can rely for preparation, direction, and example. The more scientific and special the nature of the duty to be performed, the more essential it becomes that this nucleus of permanent and thoroughly trained troops should be maintained. This has been recognized as regards the Artillery, but hitherto the submarine miners, who need even more special training and practice than the Artillery, have had no such permanent nucleus, and the same is true of the naval defence forces.

* * * * *

To give the needful security to the Colony against any probable attack, the following are the principal requirements:—

1. A strong defence of Sydney by Artillery, submarine mines, and floating defences, such as will make it impossible for an enemy to enter the harbour, or to bombard Sydney from any position outside between the North Head and Marubra Bay, and which will also provide against the possible contingency of hostile vessels having entered the port in peace suddenly declaring war.
2. Such coast defences and land forces as will guard against the landing of troops and their march on Sydney; the coast defences being specially needed at Botany Bay, the only favourable base for an enemy attempting such an attack.
3. The protection of the coaling harbours at Newcastle and Wollongong.

I will deal first with the material defences which appear to me necessary in each case; then with the personnel required to use them; and finally with the organization which appears most suitable for the circumstances of the Colony.

At Sydney I consider that 28 guns disposed as shown in the annexed table, will be sufficient, when combined with an efficient subsidiary defence by submarine mines, electric lights, torpedo boats, and guard boats.

* * * * *

I am disposed to recommend that in addition to the new guns proposed for the sites at Bondi and Coogee to avert bombardment two submarine torpedo-boats should be obtained, the first cost of which would be about £24,000; the annual cost in personnel would not be considerable, as they would need only two officers and twelve men.

It is now generally admitted that to attack ships at sea by ordinary torpedo-boats in daylight is a very hazardous enterprise, unless supported by other means, or unless the number of torpedo-boats employed be large. The range and accuracy of the new quick-firing guns is so great that one or two torpedo-boats would almost certainly be sunk or disabled by fire from the ship they intended to attack before they reached the distance of about 400 yards, at which a Whitehead torpedo is fairly certain to hit. A submarine boat, however, can approach a ship unobserved and attack it unawares; it is therefore a most formidable antagonist for any ship however strongly armoured or whatever its armament, and although possibly war-ships provided with deep torpedo-nets might make themselves tolerably safe against any torpedo attack, the risk would be so great in the open sea where nets interfere with free manœuvring, that were it known that submarine torpedo-boats formed a part of the defence of Sydney, it is very improbable that an attempt to bombard would be made, while inside the harbour they would be most formidable.

The

The experience that has already been obtained with submarine boats is sufficient to prove their efficiency, but probably they will be improved. I would, therefore, recommend that in the first instance, one only be ordered from Mr. Nordenfelt, and that it be thoroughly tested here before a second be ordered.

* * * * *

For guarding the mines against boat attack at night, four guard-boats are needed, which should be hired steamers of about 40 tons burthen, fast, and armed with two machine guns, and protected by bullet-proof parapets.

For attacking an enemy hovering outside at night, or who might have in any way passed the defences, four torpedo-boats are needed. Two of these are in possession; two would be fast launches, fitted with dropping gear. If submarine torpedo-boats be obtained, they would take the place of the hired launches, and would, of course, be very much more effective.

* * * * *

Botany Bay is only of importance as affording a safe and convenient base of operations for an enemy to land troops, guns, and stores, destined to attack Sydney. Botany Bay

As before noted, if there were no land forces to resist him, an enemy might, with a comparatively small force, landed from ships which had eluded our fleet, overawe Sydney and exact a large sum of money, besides doing much injury to stores and property. But the existence of a sufficient land force would make any small operation of this kind impossible.

Against a larger operation the defence of Botany Bay becomes very important, and although an attack of this nature is not greatly to be feared, yet this link in our armour must not be wanting.

* * * * *

A hostile fleet, finding the defences of Port Jackson and Botany Bay too strong for them, might be induced to enter Broken Bay with the view of landing troops there. There is ample and safe anchorage for a large number of ships in this harbour, but the distance from Sydney is about 24 miles (or 12 miles from the head of the Pittwater Creek to Manly). This creek, however, is not navigable for large vessels, having a bar at the entrance, and the country between Broken Bay and the Hawkesbury River and Sydney is rocky, precipitous, and covered with scrub and forest, and quite impracticable for the march of troops, except on the two roads leading from the head of Pittwater to Manly Beach, and to the Spit Ferry over the Middle Harbour, or by the railway from the site of the bridge now under construction at Dangar Island to Sydney. Broken Bay
and Hawkes-
bury River.

These lines of approach are so difficult and so easily defended that with the most ordinary precautions any small body of troops attempting to reach Sydney by these routes could be stopped and defeated with ease. A large expedition would, in course of time, be able perhaps to force its way to Sydney; but the undertaking would be most arduous and prolonged, and its ultimate success would be most doubtful. Particularly, as we have before seen, that no great expedition of vessels carrying a large army could attack New South Wales without abundant notice having been given, and preparations could therefore be made to guard against the danger.

Although any small expedition might be easily checked in its attempt to march on Sydney, yet with the view of avoiding the possible panic which might be caused by the news that an enemy had landed in this harbour, and also to preserve the railway and bridge from injury, it is desirable to have some defensive force on the spot. To construct defences which would prevent an enemy's war-ships from entering Broken Bay or landing troops there would be very expensive both in guns, mines, fortifications, and garrisons, for the waters are wide and deep.

* * * * *

Such

Such strong defences are, however, at present unnecessary, and all that I could now recommend would be to construct a battery on Long Island over the tunnel leading to the bridge to the west of Dangar Island, and to station in war time two gun-boats and two torpedo-boats in these waters.

The battery might be armed with two or three 80-pounders, as may be found best when the site is surveyed.

The navigation here is so difficult that no large ships can manœuvre freely, and these guns, with the gun-boats and torpedo-boats, should prevent any minor attack or a landing at the Railway Station or at Peat's Ferry above it.

If a landing were effected at the head of Pittwater an enemy might pursue two routes, one along the beach to Brighton, a point which infantry might also reach in fine weather by a landing on the ocean beach there, but which only leads to the Spit Ferry, where he would be stopped, or he might follow the road which leads into the Hornsby-North Willoughby Road, about 4 miles east of the former place. This road is very difficult and offers numerous points of advantage where such an advance might easily be stopped by a very small force.

In view, however, of the disadvantages before alluded to, connected with a landing being permitted, it might be advisable in war time to extemporise a battery for two position guns and two machine guns at Rockhead, by Coasters retreat in Pittwater, to assist the gunboats in preventing any landing-party from passing up Pittwater—a battery in this retired position would not have to contend with the heavier guns carried by ships.

These precautions, aided by a good system of outposts, with a strong reserve near Hornsby, should secure Sydney from any land attack on the north side.

Although I have suggested two batteries to assist in the defence of these waters, I do not consider them as of first importance.

The difficulties of an advance from Broken Bay on Sydney are so great that no small force would attempt it; and, as before stated, time must certainly be afforded for preparation in case a larger expedition were meditated. Under such circumstances the roads from Pittwater and from Peat's Ferry, as well as the railway, could be fortified so strongly that the task imposed on an enemy to force his way by these lines would be excessively onerous.

The complete defence of this harbour against a strong attack could not be effected by a smaller armament than about the following :—

- 4 9-in. howitzers
- 3 8-in. B.L. guns
- 4 6-in. do
- 2 6-pr. Q.F.
- 4 rifle-calibre guns.

These with submarine mines and works would cost about £100,000 and would require a garrison of about 150 artillerymen and 500 infantry and engineers, with naval accessories to man guard-boats.

Such an expenditure is clearly not needed at present.

Possibly, it may be found after closer examination of the localities than I have yet been able to make that the defences of Pittwater may be more conveniently placed on the rising ground at the head of the inlet, whence the landing places and roads can be commanded, and that the 80-pounders may be better situated on Dangar Island, but the principle would be the same, viz., that at Pittwater the defence should be retired, so that the heavy guns of ships may not be brought into play to assist the attack, and that vessels endeavouring to ascend the Hawkesbury River should be under the fire of the 80-pounders when navigating the difficult and narrow channel round Dangar Island, and that the landing places there should be under the fire of these guns.

To secure Newcastle it has been proposed to remodel and rearm the fort there, to construct a battery at Stockton, and to lay submarine mines at the entrance of the harbour, with the necessary electric light, and other requisites for their effective use. After a careful inspection of the harbour and its vicinity, and taking the opinion of local experts, I have come to the conclusion that the submarine mines may be omitted from the defence of this port, substituting for them two launches fitted

fitted with dropping gear for Schwartzkopf torpedoes, and that the battery at Stockton may also be omitted, if the guns be disposed in a slightly different manner from that previously proposed. The object of the battery at Stockton was to fire on a piece of water which is hidden from the guns in the fort by the headland known as "The Nobbys," and where, therefore, a ship might anchor and bombard Newcastle with impunity.

This water can be seen within effective range from Shepherd's Hill, above Newcastle, whence also the water to the southward and the whole offing is well commanded. The site is in the Park, and its occupation could therefore interfere with no local interest.

* * * * *

A saving of £9,000 would result from this change, and the defence would be very much stronger, owing to the dispersion of the 8-in. guns and the elevated position in which one of them would be placed, rendering it almost impossible to silence it.

I am induced to recommend the omission of the submarine mines in this case, because, if a ship succeeded in running the gauntlet of the guns and entering, the port is so limited in extent and so completely commanded by the guns that she could not remain there under fire, and must run the gauntlet past the guns again if she were not sunk, as is most probable.

At night it would be most difficult for a shipmaster without local experience to enter or leave the port, especially if the lights were extinguished, as they would be in war time; orders being also issued that no ships were allowed to enter at night. If the night were clear enough for an enemy to venture in it would also be clear enough for the guns to fire on him.

The torpedo launches would be useful to assist the guns at night in keeping the offing clear of hostile cruisers, and as the Schwartzkopf torpedoes are purchased they could well be applied here for defence. They could also attack any vessel which might possibly have got into the harbour on a dark night, guided by some person with accurate local knowledge.

At Wollongong the harbour is very limited in extent and it is only suitable for vessels of slight draught. No large seagoing vessel could enter it. The peculiar conditions under which the coal is obtained and shipped at the other places in the vicinity are fully described in the annexed memorandum by Major Penrose, R.E. (Appendix A.) Wollongong.

Wollongong is the only point in this district which calls for defence at present. A cruiser might obtain coal under threat of bombardment, or he might cut out colliers lying there if not prevented. These dangers might be averted or at least rendered very remote by mounting one 8-in. B.L. gun on the rising ground east of the town, with two machine guns, and supporting it by two torpedo launches kept at the station in war time for offensive action against hostile vessels at night or in hazy weather.

The cost of this defence would be about £9,000, equivalent to the saving to be effected at Newcastle by the adoption of the revised scheme of defence which I have recommended there. The existence of natural advantages for the formation of a commodious harbour at Five Islands makes it doubtful whether Wollongong will continue to be the principal shipping port for the coal of this district, and it is not therefore considered advisable to incur further expense in defences there at present.

The number of troops required for the defence of New South Wales has been variously estimated. Sir William Jervois, in his original scheme of defence, proposed a force of 2,175 men, viz. :— Defence Forces.

Artillery	...	...	...	...	...	...	...	...	675
Engineers	...	...	...	...	...	...	...	...	160
Infantry	...	...	...	...	...	...	...	...	1,340
								...	
Total	...	...	...	...	...	...	...	...	2,175

The

The Military Defences Inquiry Commission, who reported to the Royal Commission of 1881, proposed :—

Artillery	...	...	...	...	...	...	...	1,090
Engineers	...	...	...	...	...	...	...	185
Infantry	...	...	...	...	...	...	...	2,165
								3,440
Total	...	...	...	...	...	...	...	3,440

And the Royal Commission of 1881 increased this estimate to :—

Artillery	...	...	...	...	1,300	{ 440 Permanent { 560 Do Reserves { 300 Volunteers
Engineers and Infantry	...	...	...	2,700		
Mounted Police	...	...	...	300		
Mounted Infantry...	...	...	...	100		
					4,300	
Total	...	...	...	...	4,300	

Artillery.

As regards the Artillery, with the reduced number of guns now proposed, the number of gunners need not, in my opinion, be so high as that recommended by the Royal Commission of 1881. The artillery organisation, as it now exists, is fairly efficient, both in numbers and in the quality of the men, and with increased facilities for training, to which I will advert later on, but little change will be needed as regards the men.

The attempt to obtain a reserve of the Permanent Artillery has apparently failed.

The number of gunners, including bombardiers and corporals, provided for in the Estimates and now existing are : 318 Permanent and 408 Volunteers, giving a total of 726, or including all ranks, 378 Permanent and 514 Volunteers; total, 892. The number of guns which I propose as the total armament for coast batteries, and which is detailed in Appendix D, is forty-three; there will also be some twelve quick-firing and machine guns to be served. The field and position guns number twenty. For the efficient service of these guns, making allowance for casualties, it will be necessary to have at least 800 Artillerymen, of whom the half should be permanent. I therefore consider that the number of Permanent Artillery recommended by the Royal Commission, viz., 440, should be fully maintained, but the Volunteer force may be kept at its present number—that is, the number of gunners in the Permanent Artillery should stand at 410, which, with the 15 corporals and 15 bombardiers, would give 440 men, and the effective gunners in the Volunteer Artillery should not be reduced below their present number of 376, which, with the 32 corporals, gives 400 men to work the guns.*

The artillery force would be required to serve the coast defence guns and also the field and position guns. The latter duty is essentially different from the former.

Field guns must be capable of being moved with some rapidity from place to place or they lose their value, and I would strongly advise that the 9-pounder field battery be permanently horsed to the number of thirty horses, and that this field battery be an integral part of the Permanent Artillery organisation. The waggons need not be permanently horsed, as the guns carry on their limbers sufficient ammunition to keep them in action until the waggons could be brought up by hired horses.

Harness and horses for the 16-pounder and 40-pounder guns may be hired when needed. Harness rapidly deteriorates unless carefully tended, and the system of hiring teams with their harness for such batteries has answered well in England. They are not expected or required to move quickly, and permanently organised teams and manœuvring drill are therefore unnecessary.

A land range for the field and position artillery is essential for training, and I believe that a suitable range can be obtained in the neighbourhood of Botany Bay, where the batteries might be encamped periodically for practice.

As

* A prolonged attack on all the batteries could never take place; it is therefore not considered necessary to provide for reliefs of gunners.

As regards ammunition for all the guns, it is important that the stores should always be sufficient and fresh. The expenditure of practice ammunition annually will aid in producing this result if it be taken from those supplies which have been longest in the Colony, and fresh demands be regularly made so as to ensure the full number of rounds being always on hand. It is very desirable that as far as possible every garrison gun should be fired in practice at least once a year, and this more especially applies to the new pattern B.L. guns.

The appointment of one of the officers of the Imperial Artillery to act as fire-master is also very necessary to secure efficiency in ammunition.

It is most important that all the Artillerymen should be constantly employed on their proper duties. I have accordingly suggested a means by which they may be relieved from the duty of guards on Government House, which they are now required to perform, and I would further recommend that none of them should be employed as officers' servants or batmen, but that allowance be given for civil servants in lieu of them. This is the system in force in the Royal Engineers, and it answers well, and would be economical, as a trained gunner costs more than a private servant, and he ceases to be a trained gunner if not constantly practised at his special duties.

Finally it would be most advantageous were the Artillery Barracks and head quarters, with the school of gunnery established at Middle Head, close to the defences, and, where there is an admirable site and every facility for training the men. The Victoria Barracks are most inconveniently situated for the artillery, and I understand that the site is now so valuable that the sale of the portion of it not then required would not only recoup the Government for the expense incurred in building new barracks, but produce a large surplus.

The Volunteer Engineers, perhaps more correctly, Pioneers, are a valuable Engineers. body of men, who would be of great service in the construction of field entrenchments and obstacles, and in the numerous services connected with water supply, roads, and other works of the same character required in encampments. I do not suggest any alteration in the present establishment which will probably suffice.

The Volunteer Submarine Miners are called upon to perform duties of an exceedingly difficult character. Their work is even more special than that of the Artillery, and it is absolutely essential for the efficiency of the submarine mine defence, upon which the safety of Sydney in a great measure depends, that the same principle which has been accepted as obligatory in the case of the Artillery should be applied to this body also.

The existing organisation of the submarine mines is purely volunteer. The commanding officer of the corps is the talented and energetic head of the Telegraph Department of the Colony, and it is impossible to say too much in his praise for the excellent work he has done in addition to his own very onerous Departmental duties, in collecting the valuable submarine mining stores now in the Colony, and in getting together a body of men to make use of them. He has worked under very great disadvantages, and so far from finding any fault with what has been done I am astonished at the results he has been able to obtain under conditions so unfavourable. It is evidently wrong, however, that the burden and responsibility for so special and important a military duty should any longer be imposed upon a very hardworked Government servant. The submarine mine defences will give full employment to two officers for some considerable time to come, as numerous experiments must be carried out before the best methods of lighting the mine fields and artillery ranges, and of laying and firing the mines can be determined, and the volunteers trained for their duties, and no time should be lost in carrying out these most necessary works.

Many things are essential for the proper care and storage of the material and for the rapid and systematic laying of the mines, notably a proper store establishment at Kubungharra (Green Point), to take the place of the most inconvenient and unsafe building at Berry's Bay, and proper steamers fitted for laying the mines. The details of the requirements are given in Appendix C.

The number of volunteer submarine miners provided for in the Estimates is 161. The Major-General commanding in his report for 1886, draws attention to the serious disadvantages under which this corps labours, and advocates the formation of a permanent nucleus of permanently enrolled men. I was present at his inspection, and thoroughly endorse his opinions.

There must be a permanent body of submarine miners thoroughly trained and constantly practised. To them would be entrusted the responsibility for the mine defence, the care and maintenance of the stores, and the instruction of the Volunteer Submarine Miners, who could assist them in their work. The composition of the Engineer Submarine Mining Corps should be as follows:—

Permanent Establishment—

1 Major.*
 1 Captain or Lieutenant.
 1 Quarter-master (Warrant Officer).
 1 Sergeant Instructor.
 4 Corporals, assistant instructors, and storekeepers.
 4 2nd Corporals (engine-drivers).
 12 Sappers, of whom 4 would be assistant engine-drivers, 8 electricians,
 — carpenters, and boatmen.
 24
 —

All should be thoroughly trained in submarine mining duties, and it would be desirable that some at least of the N.C. officers should be obtained from the Royal Engineers.

Volunteers—

2 sections, each consisting of—
 1 Captain.
 1 Lieutenant.
 2 2nd Lieutenants.
 51 N.C. officers and men.
 —

Total ... 2 Captains.
 2 Lieutenants.
 4 2nd Lieutenants.
 102 N.C. officers and men.
 —
 110
 —

Total, 134 officers, N.C. officers, and men.

In the selection of both officers and men special regard should be paid to their civil occupations or trades in order that both officers and men by their previous training may be fitted for their special work. For this reason a higher rate of pay should be given than in the case of other Volunteer Corps; rates should be graduated according to the certificates of proficiency obtained by each individual.

The cost of this Corps would consequently be somewhat greater than that of the present Corps; but there can be no doubt that in efficiency it would be incomparably superior to the organisation which now exists. For not only would there be a permanent body of well trained men completely acquainted with, and constantly practised in, their duties; but the instruction of the volunteers would also be more thoroughly carried out, as the necessary arrangements for a practical drill would be made beforehand by the permanent men, and when the volunteers arrived at the practice-ground they would commence at once, and be occupied during the whole period of instruction in *bonâ fide* work. I cannot too strongly urge the vital necessity for this change in organisation as one of the most important steps that can be taken for the security of Sydney.

Infantry
Forces.

The existing organisation of the Volunteer Infantry force is expensive, and not satisfactory. 1,504 privates are divided into four little battalions of 376 men, each with a full number of officers, non-commissioned officers and band, for an eight-company organisation. This is clearly extravagant, and bad for discipline and efficiency.

The

* His pay would not be an addition to the Estimates, as it is already provided under the head of Military Instructors. It would be advisable that he should have local rank as Lieut.-Colonel, and that he should be charged as Commanding Engineer with designing and inspecting defence works executed by the Works Department.

The eight-company system may probably be adhered to with advantage in a volunteer battalion, as the less perfect the training of the men the larger will be the number of officers needed, but each battalion should be of full strength. The Royal Commission of 1881 recommended that the Infantry force should be maintained at 2,080 men. A smaller force would not be sufficient for the requirements of the Colony, and it should be capable of expansion to 4,000 rapidly. But the reserve volunteer system has so completely failed to produce the numbers hoped for that the expenditure under this head, amounting to £15,874, as provided in the Estimates for this year, may well be saved, and the attempt to raise a purely Volunteer force on the capitation principle abandoned. The loss in useful defenders will, as noted above, be only about 364 men. It would be cheaper and very much more efficient in every way to keep up the four battalions to a strength of 600 each in peace. The immediately available Infantry force would then be 2,400, and the cost would be about £3,000 less than the cost of the 1,868 men now efficient. Provision must, however, be made for expanding the four battalions to a strength of 800 or even 1,000 men each in war-time. This may be best accomplished I think by encouraging the young men of the Colony to practice rifle shooting, and so to fit themselves for the defence of their country should the necessity arise, by acquiring the most difficult and most essential part of the practical knowledge required by an infantry soldier. The formation of rifle clubs might be assisted by the issue of rifles and ammunition for annual practice, the members having the privilege of buying extra ammunition at a low rate, and prizes being given for proficiency in shooting at periodical rifle meetings. This was recommended by the Royal Commission of 1881, and the recommendation is renewed by the Major-General Commanding in his last annual report.

Such trained riflemen could be drafted into the Infantry battalions in war time, thus rapidly raising their strength by good shots, who could soon be taught the necessary rudiments of drill. Even if the rifle clubs should not prove more successful than the reserve volunteer system, they will at least cost less, and in any case there can be little doubt that numbers of men who have been partially or wholly trained would rejoin the colours in case of war. The existence of the true military spirit in the Colony was well proved by the Soudan Contingent.

The Royal Commission of 1881 advocated the establishment of purely volunteer cavalry or mounted infantry corps. Such a corps would be extremely useful, provided that the members are trained as dragoons or mounted infantry; that is, the men should be armed with a rifle, in addition to sword or revolver—not a lance—and they should be trained rifle shots. The experience of the American civil war, and our own unfortunate experience in Natal, have proved beyond question the immense value of such men—good horsemen and good shots—in a rough country such as that in the vicinity of Sydney, where they would be required to act, and where the action of cavalry in formed bodies would be impossible. Mounted
Infantry.

I would go further, and recommend that a small body of such “dragoons” should be enrolled as a permanent force, to be employed in ordinary times in escort and guard duties at Government house, and to form the nucleus of the larger body in war.

They might number some 30 men, with 20 horses, 2 officers, 1 serjeant, and 2 corporals, paid on the same scale as the Permanent Artillery, whom they would free from the guard duties irrelevant to their proper work, which they are now called on to perform.

The commanding officer would take the duties of the cavalry adjutant, now borne on the strength of the Reserve Volunteer Permanent Staff.

The success which has attended the formation of a corps of nearly 1,000 mounted infantry in Victoria encourages the hope that a similar corps may be raised without difficulty in this country. It would be of the greatest value in watching the coast line and the roads from Broken Bay, and for rapid movements in case of an enemy having effected a landing at any point.

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It is understood that about 300 Mounted Police would be available to augment the mounted forces in war time.

Naval Forces.

Assuming, as before mentioned, that a sea-going Australian Squadron is about to be established, the naval requirements now under consideration refer only to harbour defences. For this purpose the following vessels will be needed :—

Two Gun-boats.—Hired steamers of about 200 tons, with 10 knots speed. Armed with 1 5-in. gun and 2 machine guns.

Crew—2 officers and 22 men ; 1 petty officer.

Four Guard-boats for Submarine Mines.—Hired steamers ; about 40 or 50 tons ; 8 to 10 knots speed. Armed with 2 machine guns.

Crew—1 officer and 14 men ; 1 petty officer.

Twelve Torpedo-boats.—Two are in possession. Ten hired launches, with the highest speed obtainable ; fitted with dropping gear, and each having 2 torpedoes.

Crew—1 officer and 5 men ; 1 petty officer.

The two gun-boats would be employed at the Hawkesbury, and for scouting purposes generally.

The guard-boats would protect the mine-field at Sydney.

Two torpedo-boats would be stationed at Sydney with 2 hired launches. 2 launches would be at Botany Bay, 2 at Broken Bay, 2 at Newcastle, and 2 at Wollongong. This would give 24 of the 40 torpedoes afloat, with 16 in reserve.

Our total naval requirements would thus be 22 officers, 18 petty officers, and 148 men ; or say, to allow for casualties, 25 officers, 25 petty officers, and 160 men.

In Commodore Wilson's evidence given before the Royal Commission, which dealt with different conditions from those now likely to exist, he provides for 35 officers and 408 men, and an instructing staff of 3 officers and 10 men.

The instructing staff might be reduced, under the altered conditions, to two officers and ten men, and they would be available in war for manning the flotilla ; and the total cost, on the lines laid down by Commodore Wilson, would thus be :—

Royal Naval Instructing Staff.

Officers (about)	£1,800
Seamen	1,020
	—————£2,820

Colonial Naval Reserve.

1 Captain	£100
3 Commanders at £80	240
8 Lieutenants at £50	400
8 Sub-Lieutenants at £40	320
25 Warrant and other officers at £40	1,000
160 Seamen at £20	3,200
	————— 5,260
	————— £8,080

NOTE.—The period of training required by Commodore Wilson is three months afloat, and the pay is consequently higher than for other branches of the defence force. I am not prepared to give an opinion as to the possibility of obtaining the men on these terms, or as to the need for such a long period of training afloat.

The cost of the maintenance of the "Wolverene" as a training hulk, and of the torpedo-boats, and the hire of launches and steamers, are not included in the above. Probably it would be best to purchase one or two launches for practice and for use in instruction, and to hire two steamers—one to act as a gun-boat, the other as a guard-boat—from time to time, as necessary. The "Wolverene" should be moored in Watson's Bay as the head-quarters and store and training-ship for the Naval Defence Forces. The torpedoes and their appliances, with the armaments and ammunition for the defence vessels, should be kept on board her.

The maintenance of the "Wolverene" is provided for in the Estimates, at a cost of £600 per annum.

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It is clear, from the report of Commodore Wilson, that the existing Naval Brigade and Volunteer Naval Artillery are of but little value under their present organization; but, doubtless, if reorganized as recommended by him, with the modifications suggested above (subject to revision by the naval officer who may be appointed as Naval Commandant), they would furnish most valuable material for the formation of an effective naval force to co-operate in the defence of the New South Wales Harbours.

It is most essential that this naval force should be under the orders of the General Officer Commanding in New South Wales, and that in the general system of action to be pursued in carrying out the defence the Naval Commander should conform to the orders issued by the General, otherwise defence vessels would do more harm than good by obstructing the fire of the guns and the effective use of the mines. This was most clearly brought out in the recent combined operations at Milford Haven; and by both naval and military officers who were present, and who reported officially on the subject, the principle has been accepted that in harbour defence by a combined force, military and naval, there must be one head, and that he must be the military officer commanding the defences of the particular harbour. Such an officer would be appointed by the General Officer Commanding at each of the harbours to be defended, and from him all orders for the conduct of the defence would emanate.

Under present conditions I understand that the Naval Brigade take no part in the general training conducted at Easter, when combined operations should be always carried out. The officers and men of the Naval Brigade and the Naval Artillery Volunteers deserve all honor for their patriotic exertions. They need, however, to be organized into one body of efficient naval gunners, torpedo men and sailors, under one head, to give them practical value in the defence of Sydney.

The point which is perhaps of chief importance in the organization of an Officers. army is the provision of well instructed officers, of full vigour of mind and body, and imbued with a good professional spirit. In a large army this is sufficiently difficult; but in a small volunteer force such as that required by New South Wales, the problem presents very special difficulties, because it is not only hard to find men who are prepared to acquire the necessary knowledge and who for the comparatively small salaries given will devote sufficient time and energy to the subject, but it is also difficult to arrange that there shall be a sufficient flow of promotion, and this more especially in the permanent part of the force, to avoid stagnation.

The natural course of events must lead to men growing old in subordinate positions and losing energy and interest in their work. In these days also of rapid progress in all war equipments and corresponding changes in tactics, it is absolutely essential to efficiency that there shall be from time to time an infusion of fresh blood and fresh practical knowledge from Europe, amongst the officers of a local force on this side of the world.

Two solutions appear to be possible; the first, and one which at present is the most easily carried out, is that Imperial officers, changed every five years, or even at shorter intervals, should be employed in the higher ranks of the Permanent Corps and Staff. Such a change could only in fairness be introduced gradually, and this would in every way be best, as the relief of officers would be successive, not simultaneous. These Imperial officers would be the instructors of the Volunteer officers, who should also be required to pass examinations on the lines laid down in the Regulations, but altered in detail to bring them more nearly to the standard required in the Imperial Service.

The other solution involves a federation of the forces of the whole of the Australian Colonies, and the establishment of a military school similar to that in Canada, at which all officers should be required to graduate. Promotion in this larger body of officers could be arranged more easily than in the small bodies forming the defence forces of the several Colonies.

A system of retirement at fixed ages from the Volunteer Corps would ensure promotion amongst the officers of those Corps, without inflicting any hardship, as the salaries are comparatively small. Retirement from the Permanent Corps, however, must carry a pension, as the officers of those Corps cannot engage in any other business while serving. It

It is evident that the employment of Imperial officers in the higher ranks would, if a permanent institution, have a very bad effect on the *esprit de corps* of the junior officers, as they would have nothing to look forward to. It is therefore most desirable that the federation of the Australian Colonies, for land defence as well as for naval defence, should be accomplished, and that an Australian military school for officers of all arms should be established, as in Canada, and that when properly trained Colonial officers are available they should be appointed in due course to the higher ranks. In the meantime I would suggest the formation of a Military branch of the Sydney University, with a Military Professor, to teach artillery, fortification tactics, and military administration and law. The existing faculties would give the necessary instructions in mathematics and physics.

A stringent system of examination of all candidates for commissions before appointment, as well as successive examinations for promotion, should be insisted on for all officers, whether for the Permanent or Volunteer Forces, the standards and subjects being varied according as the commissions were to be given in the artillery, engineers, or infantry or cavalry. The existing Regulations provide in some measure for such examinations, but the lists of subjects need revision, and a military school where candidates can study is much wanted. A military library and a room for military lectures, and for playing the war game, and as a general meeting place for the officers, an acknowledged want, might possibly be provided at the University.

* * * * *

Ordnance
stores.

Defence
Secretary.

To complete the reorganization of the Defence Forces it is most essential that the Ordnance Store Department, which at present is under the Treasury, should be transferred to the Colonial Secretary's Office. The present arrangement must inevitably cause much needless correspondence and delay, and the general officer commanding has no knowledge of and no control over the military stores, which are essential for the efficiency of the troops, while the ordnance storekeeper has no information as to military stores which may have been ordered, and accordingly he cannot make due provision for their storage. The Ordnance Store Establishment also needs considerable revision to make it efficient.

Above all, it is important that some one official—probably a permanent under secretary would be most convenient—should be charged with the whole correspondence connected with the finance of the defences. He would prepare the annual budget, and check the expenditure of the funds, and would be the channel through whom the general officer commanding would communicate with the Government. At present there is no such official, and it is evidently impossible that the Colonial Secretary and Premier can deal with all the correspondence on defence matters, overwhelmed as he must be with important political duties.

To summarise my recommendations they are briefly as follows:—

1. Reorganization of the Submarine Mining Engineers, and the construction of a proper submarine mining establishment at Kubungharra, with suitable steamers and all appliances for rapidly laying mines.
2. Re-arming Sydney, Newcastle, and Botany Bay, and arming Wollongong, as per detailed statements.
3. Completion of the defence works, particularly the emplacements for the guns, installation of electric lights, and roads of communication.
4. Reorganization of the naval forces, and formation of torpedo boat-slips, Kubungharra, the "Wolverene" being fitted as store and training ship.
5. Partial reorganization of the Artillery and Infantry Volunteers, and formation of Mounted Rifle Corps.
6. Changes in the system of appointment and education of officers.
7. Building Artillery Barracks at Middle Head, and sale of part of Victoria Barracks, the upper portion being retained for the Head-quarters Staff, and Permanent Mounted Infantry.
8. Transfer of the Ordnance Store Department from the Treasury to the Colonial Office, and construction of proper Ordnance Stores.
9. Appointment of a Secretary for Defence.
10. Frequent practice by individual corps, and also in combined operations, of the tactics for the defence of the several ports, under the officers specially appointed to command the defence of each port.

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The cost of these proposals, as shown in the Appendices, would be for material defences about £145,000, which might be spread over two or three years; and an annual charge for personnel of about £155,000.

In concluding my Report I must acknowledge the ready and courteous assistance I have received from the Major General Commanding, and from all officers serving under him with whom I have been brought in contact. The subjects on which you have asked my opinion involve not only questions of artillery, fortification, and submarine mining, with which I am familiar, but also questions of organisation, intimately connected with them, but which are far more difficult of solution, especially by one who has had but a short acquaintance with the peculiar conditions of Colonial life.

On the former subjects my recommendations may be considered to have some weight; but on the latter they are made with considerable diffidence. That the existing organisation is defective is beyond a doubt. That which I have suggested would, I believe, be considerably more effective and economical in every way*. Certainly it would be more efficient in the case of the submarine mines, and I cannot too strongly urge that this part of the defence system be at once put on a proper footing, with every means and appliance for the rapid defence of Sydney by submarine mines. This is vital to the safety of the city.

H. SCHAW,
Major-General.

* I am glad to be assured, by the perusal of copies of letters addressed by the Major-General Commanding to the Colonial Secretary on 25 February, 1884, and 28 July, 1885, and which have just been furnished to me by General Richardson, that in the main his views on the reorganisation needed coincide with those which I have formed, and which have been expressed in this Report.—H.S.

1887.
(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COAST AND HARBOUR DEFENCE.

(CORRESPONDENCE RESPECTING MAJOR PARROTT'S REPORT ON.)

Ordered by the Legislative Assembly to be printed, 20 October, 1887.

Major T. S. Parrott to The Honorable Sir Henry Parkes, K.C.M.G., Colonial Secretary, Sydney.

Sir,

Sydney, 9 August, 1887.

I beg to forward you herewith a report on coast and harbour defence which I have prepared since my return to Australia.

I have endeavoured to master the subject in all its details, and to present it to you in such a shape as will enable you to form an independent judgment of the several matters comprised in the subject of coast and harbour defence, notwithstanding the widely divergent opinions that are held by some of the leading authorities in Europe.

It is this independent judgment exercised by the United States Congress during the last twenty years that has saved that country an expenditure that might otherwise have been reckoned by scores of millions sterling.

I have only touched the leading features of the several branches of the subject, and shall be glad to furnish you with a full and detailed report of any one of these branches if you should desire it.

I have, &c.,

T. S. PARROTT.

Major T. S. Parrott to The Honorable Sir Henry Parkes, K.C.M.G., Colonial Secretary, Sydney.

Sir,

Sydney, 13 October, 1887.

In the report of the Parliamentary debates of yesterday you are made to say with reference to my report on "Coast and Harbour Defence" that it was sent to you in your private capacity as Colonial Secretary.

I regret you should have fallen into this error, as the idea of regarding the report anything but official I never entertained for a moment.

The report is addressed to—"The Honorable the Colonial Secretary of New South Wales," and not to Sir Henry Parkes.

My object in making it an official document was to enable your Government and the Parliament to form an independent judgment on matters that have hitherto been determined solely by experts.

I have, &c.,

T. S. PARROTT.

The Principal Under Secretary to Major T. S. Parrott.

Sir,

Colonial Secretary's Office, Sydney, 14 October, 1887.

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 13th instant, in which you explain that you intended your report on "Coast and Harbour Defence," as forwarded by your covering letter to Sir Henry Parkes on the 9th August, to be an "official document."

1. I am to explain that if your report had been sent to the Colonial Secretary simply as such it would, in the usual course of public business, have been opened by me, as the permanent head of the Department, and would have been duly recorded before being submitted to the Colonial Secretary.

2. The Colonial Secretary desires me to add that you must have a strange conception of an "official document" to consider it a proper course of conduct to place in the hands of other persons a copy of the report which you wish to be so regarded.

3. I am now directed to return the report to your hands, and to remind you, as a soldier holding Her Majesty's Commission, that if you desire to officially communicate with the Government you should do so through the General Commanding the Forces.

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

Major T. S. Parrott to The Principal Under Secretary.

Sir,

Sydney, 18 October, 1887.

I beg to acknowledge receipt of the "Report on Coast and Harbour Defence," returned to me by the Honorable the Colonial Secretary, and must say that the idea that the sending of the report to him should cause any misapprehension is quite foreign to my mind, and inexplicable to me.

My authentication having been received direct from the Minister then occupying the position of Colonial Secretary, I deemed it my duty to forward the report resulting therefrom direct to the Honorable the present Colonial Secretary, and as a matter of courtesy to his predecessor, from whom I received my credentials.

I regret that the report in question should not be thought worthy of consideration,

And am, &c.,

T. S. PARROTT.

[3d.]

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

LANDS FOR PUBLIC PURPOSES ACQUISITION ACT.

(RESUMPTION OF LAND FOR ROAD TO CONNECT FORTIFICATIONS WITH BEN BUCKLER AND FORTS NEAR BONDI.)

Presented to Parliament, pursuant to Act 44 Vic. No. 16, sec. 6.

NOTIFICATION OF RESUMPTION OF LAND UNDER
44 VICTORIA No. 16.

NEW SOUTH WALES, } By His Excellency The Right Honourable
to wit. } CHARLES ROBERT, BARON CARRINGTON,
a Member of Her Majesty's Most
(L.S.) Honourable Privy Council, Knight
CARRINGTON, } Grand Cross of the Most Distinguished
Governor. } Order of Saint Michael and Saint
George, Governor and Commander-in-
Chief of the Colony of New South
Wales and its Dependencies.

WHEREAS I, the Governor aforesaid, with the advice of the Executive Council of the said Colony, have duly sanctioned the carrying out of certain works for and in connection with the construction of a Military Road to connect the fortifications at the South Head with Ben Buckler and forts near Botany in the said Colony, for and towards the completion of which said works public funds are available under the provisions of the Acts to apply sums out of the Consolidated Revenue Fund of New South Wales towards services of 1885 and 1886, and for services to be hereinafter provided for by loan; and whereas the lands hereinafter described are required for the construction of the said works: Now, I, the Governor of the said Colony, with the advice of the Executive Council of the said Colony, in pursuance of the powers in this behalf given to or vested in me by the "Lands for Public Purposes Acquisition Act," do by this notification, published in the Gazette and in a newspaper, that is to say, in the "Sydney Morning Herald," circulated in the Police District wherein the said lands are situated, declare that the lands hereinafter described have been resumed for the public purposes hereinafter mentioned that is to say, for and in connection with the construction of the above Military Road, to the intent that, upon the publication of this notification in the Gazette, the legal estate in the said lands shall

forthwith be vested in the Minister for Public Works and his successors, on behalf of Her Majesty, for the purpose of the said last-mentioned Act, for an estate of inheritance in fee simple in possession freed and discharged from all trusts, obligations, estate, interests, contracts, charges, rates, rights-of-way, or other easements whatsoever; and to the intent, further, that the legal estate therein, together with all powers incident thereto or conferred by the said Act, shall be vested in the said Minister as a trustee, with the powers stated in the said last-mentioned Act. And I declare that the following are the descriptions of the lands hereinbefore referred to, that is to say:—

All those portions of land comprised in the following allotments of the private subdivision of R. Hurd's 30 acre grant at Bondi, in the parish of Alexandria, county of Cumberland, in the Colony of New South Wales, known as the township of Queenscliff, Ben Buckler, to wit:—

Allotments 1, 2, 3, 4, and 5, section 4,
Allotment 1 of section 8,

Allotments 1, 2, 3, 50, 51, 52, section 7,

Allotment 8 of section 6,

Allotments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 62, 63, 64, 65, 66,
67, 68, section 2,

Allotments 9, 10, and 11, section 1,—

reputed to be the property of A. Patterson, W. J. Clark, H. Clark, M. Hegarty, H. Dorhauer, T. R. Scott, and E. Saber,—shown in red on tracing of subdivision plan herewith.

In witness whereof, I have hereunto set my Hand, and caused the Great Seal of the Colony to be hereto affixed, at Government House, Sydney, this ninth day of August, in the year of our Lord one thousand eight hundred and eighty-seven, and in the fifty-first year of Her Majesty's Reign.

By His Excellency's Command,
JOHN SUTHERLAND.

GOD SAVE THE QUEEN!

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

NAVAL FORCE.

(MESSAGE No. 8.)

Ordered by the Legislative Assembly to be printed, 17 November, 1887.

CARRINGTON,
Governor.

Message No. 8.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to provide for the payment by the Colony of New South Wales of a proportional part of the cost of the establishment and maintenance of an additional Naval Force, to be employed for the protection of the floating trade in Australasian waters.

Government House, Sydney,
17th November, 1887.

1888.

NEW SOUTH WALES.

CIVIL SERVICE ACT, 1884.

(REPORT OF BOARD FOR 1887.)

Presented to Parliament, pursuant to Act 48 Vic. No. 24, sec. 62.

REPORT

OF THE

CIVIL SERVICE BOARD OF NEW SOUTH WALES,

For the Year 1887.

To His Excellency the Right Honourable CHARLES ROBERT, BARON CARRINGTON, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies :

YOUR LORDSHIP,—

We have the honor to submit to your EXCELLENCY in COUNCIL our Annual Report, in terms of the 62nd section of the "Civil Service Act, 1884."

2. CHARLES A. GOODCHAP, Esq., retired from the Board in the order of rotation on the 31st December, 1886, and CRITCHETT WALKER, Esq., Principal Under Secretary, was appointed to the vacancy thus occasioned.

3. At a meeting of the Board on the 10th January, the Hon. G. EAGAR was re-elected Chairman in pursuance of the provisions of the 13th section.

4. The "Civil Service Act Amendment Act, 1886," came into force on the 1st January, 1887, and by it so much of the "Civil Service Act, 1884," as prescribed a classification of all officers within divisions, and so much of the said Act as entitled such officers to increases, based on such classification, were repealed. No statutory increases, therefore, accrued to the salaries of officers during the past year,

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5.

[1,508 copies—Approximate Cost of Printing (labour and material), £12 5s. 11d.]

5. The Amending Act has not materially diminished the business of the Board, such business having necessitated the holding of forty-one meetings during the year.

6. The returns furnished by heads of Departments, as required by section 25, show that the following changes have occurred throughout the Service during the year:—

Abolition of offices for purposes of retrenchment and reorganization	106
Deaths	59
Resignations	70
Retirements on superannuation allowance	116
Dismissals	38
Appointments of probationers	11
Appointments under section 7	159
" " 8	242
" " 28	13
Creation of new offices under section 29, in which the appointments were made by the Governor-in-Council without reference to the Board	9
Appointment of temporary officers by Ministerial authority under section 31	99

7. The returns of Teachers in the Department of Public Instruction, show 49 retirements and 3 abolitions of office (which are included in the above), and also 786 resignations, 61 dismissals, and 33 deaths.

8. The Board have dealt with 401 appointments, promotions, and transfers reported to them under the provisions of section 27, and have to report that their recommendations have in almost every case been accepted by the Minister in whose Department the vacancies occurred. In a case in which the Minister promoted an officer contrary to the recommendation of the Board, the reasons for the course adopted were furnished to the Board and were considered by them to be satisfactory.

9. In our first Report we called attention to the fact that the Act imposed upon the Board the duty of reporting as to the nature and extent of the duties performed in each Department of the Public Service by the persons employed therein, and of stating whether, in the opinion of the Board, more persons, and if so, how many more, are employed in any Department than the exigencies of the Service reasonably require, and the Board stated that it was entirely out of their power, as then constituted, to carry out this work. A Royal Commission, with the same object in view, was appointed on the 16th December, 1887, to make the necessary inquiries into the administration of each Branch of the Service, with special reference to increased efficiency and economy.

SUPERANNUATION ACCOUNT.

10. The Statement of the Civil Service Superannuation Account, which the Board now submit in accordance with the 62nd section of the Act, will, it is thought, give satisfaction to all interested in its successful working, the balance at Cr. on 31st December, 1887, being £235,436 11s. 8d., an increase as compared with the balance on 31st December, 1886, of £82,909 13s. 10d.

11. The balance on 31st December, 1886, was £152,526 17s. 10d.; this was augmented during the year by the payment of £20,000 from Consolidated Revenue Fund, being the third annual subsidy, and £3,500, the annual amount provided for pensions under Schedule B of the Constitution Act. The deductions of 4 per cent. from salaries realized £64,453 11s.; interest, £8,187 6s. 6d.; fines, £66 6s.; refund on account of gratuity on re-entering service, £6. The sum of £16,414 6s. 7d. (which was specially voted to provide for the "Abatement from Pensions" and "Gratuities to Officers whose services were dispensed with in the Lands and Public Instruction Departments"), MAKING THE TOTAL RECEIPTS, £265,154 7s. 11d.

12. The disbursements during the year have been :—Pensions under Schedule B, £3,020 4s. 4d.; pensions under Civil Service Act, £9,145 11s. 5d.; gratuities to officers, £13,336 10s. 5d.; gratuities to widows in necessitous circumstances, £4,159 9s.; refund of deductions made in error from non-contributors, £55 6s. 7d.; fine remitted, 14s. 6d.; BEING A TOTAL EXPENDITURE, £29,717 16s. 3d.; thus leaving a balance to Credit of Superannuation Account on 31st December, 1887, of £235,436 11s. 8d.

13. The number of officers who have retired on pensions since the Act came into operation on the 1st January, 1885, to 31st December, 1887, is 159, and the amount to which they are entitled is £18,342 10s. 7d. per annum.

14. The gratuities granted during the same period amounted to £24,966 15s. 8d., the recipients numbering 166.

15. Of these, 41 pensions and 55 gratuities have been granted to persons whose services have been dispensed with for purposes of retrenchment or reorganization, chiefly in the Lands and Education Departments.

16. Gratuities to the amount of £7,919 13s. 1d. have been paid to sixty-seven widows.

17. Retirements under 60 years of age, consequent on ill-health, were 80 in number; the payments amount to £5,663 2s. 3d. for gratuities, and £5,373 17s. 8d. per annum for pensions.

18. Four pensioners have died within the above period, reducing the amount to be paid by £514 10s. per annum.

19. It is believed that want of confidence in the stability of the Fund deterred many from retiring during the first year; and that the reason it has not been more generally availed of since that time is in consequence of the heavy deductions from pensions of 4 per cent. charged on total salaries and emoluments from date of the officer's first appointment; thus rendering the pensions too small to be a reasonable provision for officers of long service. Reference was made in our first Report to this provision of the Act as "inequitable in its operation," and further experience has shown that its effect is so much at variance with justice that it is impossible to deal fairly with the claims of old officers while the 55th section of the Act is in force.

20. The following is an instance of the working of the section referred to:—A.B. retired at 80 years of age with thirty and a half years' service, the average salary of the last three years being £104, and the gross pension to which he would have been entitled, £52 17s. 4d. 4 per cent. on his total back salary created a debit against him of £158 18s. 8d., and as the actuarial value of his life was less than four years the annual abatement from his gross pension amounted to £41 15s. 4d., so that his nett pension was £11 2s. per annum.

21. With similar service, at 60 years of age, the pension would be £35 14s. 2d.; at 70, £27 8s. 4d.; at 80 (as above), £11 2s.; and in the event of any officer being over 90 years of age, on the same basis he would not be entitled to receive anything from the Fund. In view of this and many other anomalies which occur through charging the retiring officers with 4 per cent. on their total salaries and emoluments prior to the passing of the Act the Board, after three years' experience of its operation, recommend the entire elimination of this provision.

22. The Board are of opinion that section 57 requires amendment so as to limit within a prescribed period the option granted to any person permanently employed on wages to apply to be admitted as a contributor to the Superannuation Account. It is found that the young and robust wage-earners, to whom this option is allowed, do not take advantage of this section, and that the majority of those who avail themselves of its provisions are old and infirm men, who, immediately after becoming contributors, apply to be allowed to retire, thus unduly lessening the fund created by the officers, whose contributions are compulsory, without corresponding contributions from the wage-earning portion of the Service.

23. Preparation is being made for the triennial investigation into the state and sufficiency of the Superannuation Account, and the Board recommend that an actuarial opinion should be obtained as to whether provision could be made for the refund to officers resigning from the Service, without pension or gratuity, of a surrender value of their contributions to the Superannuation Account. It is believed that a provision of this nature could be introduced, which would meet the objections of those to whom the advantages of superannuation allowances appear to be remote.

24. The Board in their previous Reports have recommended that the claims of all widows should be placed on a more equitable basis, without reference to "necessitous circumstances" as required in section 51, and again draw attention to this matter in the hope that it will receive speedy rectification.

25. The Appendices hereto, numbered from I to V, will afford further information as to the working of the Act.

Given under our hands at Sydney this twenty-second day of May, 1888.

JOHN WILLIAMS, CHAIRMAN.

G. EAGAR.

THO. LITTLEJOHN.

CRITCHETT WALKER.

ALEXR. OLIVER.

APPENDIX.

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APPENDIX I.

RETURN of "Special Cases" where persons have been appointed without probation or examination, in terms of Clause 28 of the Act.

Name.	Office.	Reasons for appointment.
Hamlet, W. M.	Government Analyst	Analytical Chemist.
Blaxland, E. G.	Assistant Medical Officer, Coast Hospital ...	Qualified Medical Practitioner.
Violette, William B.	Government Medical Officer, Parramatta ...	do do
Doherty, William M.	Assistant Analyst.....	Analytical Chemist.
Young, Richard W.	Assistant Medical Officer and Dispenser at Coast Hospital.	Qualified Medical Practitioner.
Morgan, Cosby	Health Officer, Newcastle	do do
Gaud, George A.....	Dispenser, Parramatta Asylum	Member of the Pharmaceutical Society.
Harris, Herbert	Crown Prosecutor	Barrister.
Coffey, William H.	do	do
Butterworth, Arthur R.	do	do
Etheridge, Robert	Palæontologist, Mines Department	Special training.
Mingaye, John C. H.....	Assayer, Mines Department	Analytical Chemist.
Bates, Thomas L.	Inspector of Collieries	Special training.

APPENDIX II.

CIVIL SERVICE SUPERANNUATION ACCOUNT.

Dr.		For the Year ended 31st December, 1887.				Cr.	
DISBURSEMENTS.	Amount.	Total.	RECEIPTS.	Amount.	Total.		
	£ s. d.	£ s. d.		£ s. d.	£ s. d.		
To Pensions under the Constitution Act.....	3,020 4 4		By Balance, 1st January, 1887		152,526 17 10		
„ Superannuation Allowances under the Civil Service Act	9,145 11 5		„ Endowment from Consolidated Revenue Fund	20,000 0 0			
„ Gratuities under the Civil Service Act	17,495 19 5	29,661 15 2	„ Transfer from Consolidated Revenue Fund, provided by 52nd section of the Imperial Act, 18 and 19 Vic., cap. 54, for Pensions	3,500 0 0			
„ Refund of improper deductions	55 6 7		„ Amount of 4 per cent. deductions from salaries of Officers received during the year	64,453 11 0	87,953 1 0		
„ Refund fine remitted	0 14 6	56 1 1	„ Transfer from Consolidated Revenue Fund to meet abatements which should have been deducted from pensions paid to Officers whose servicee have been dispensed with in the Lands and Survey Departments and Department of Public Instruction	9,108 3 4			
			„ Transfer from Consolidated Revenue Fund to pay Gratuities to Permanent and Temporary Officers of Lands and Survey Departments and Department of Public Instruction, not entitled to Pensions, and whose services were dispensed with	7,306 3 3			
			„ Fines inflicted on Officers	66 6 0			
			„ Instalment on account of Gratuity to be refunded	6 0 0	16,486 12 7		
			„ interest on daily balance from 1st January to 30th June, 1887.....	3,736 17 9			
			„ Do., from 1st July to 31st December, 1887.....	4,450 8 9	8,187 6 6		
„ Balance on 31st December, 1887		29,717 16 3					
		235,436 11 8					
		£265,154 7 11			£265,154 7 11		
			By Balance on 1st January, 1888.....		£235,436 11 8		

The Treasury, New South Wales,
5th April, 1888.

JAMES PEARSON,
Accountant.

APPENDIX III.

APPENDIX III.

STATEMENT showing Pensions granted under the provisions of the "Civil Service Act, 1884," during the year 1887.

Name of Pensioner	Service for which Pension was granted.	Age.	Reason for Retirement.	Pension.
Grant, A. O.	Police Magistrate, Bourke	60	Over 60 years of age	£ 215 15 0
Byrne, Mrs. M. M. G.	Matron, Roman Catholic Orphan School, Parramatta	47	Abolition of office	125 8 0
Whalen, William	Watchman, Railways	63	Over 60 years of age	37 6 0
Price, Mrs. Mary A.	Teacher, Public School, Mount Murray	46	Ill-health	31 15 3
Groves, William	Attendant, Hospital for Insane, Parramatta	55	do	52 8 0
Fleming, Martin	do do	49	do	41 18 0
Carlisle, Thomas	Traffic Auditor, Railways	62	Over 60 years of age	163 15 0
Hunter, Wm.	Compositor, Government Printing Office	66	do do	79 4 0
Henderson, Robert	Attendant, Hospital for the Insane, Parramatta	62	do do	38 11 0
Fancourt, Thomas	Warehousekeeper and Inspector of Warehouses, Customs.	68	do do	232 6 0
Gilberthorpe, William	Acting 1st-class Warder, Darlinghurst Gaol	64	do do	37 2 0
Goldsmith, Henry	School Attendance Officer, Public Instruction	63	do do	109 6 0
Clement, T. Rodd	Custodian of Plans, Survey Office	43	Ill-health	74 9 0
Plunkett, W. E.	Under Secretary for Justice	57	do	553 1 0
Easton, George R.	Pilot, Marine Board	71	Over 60 years of age	97 7 0
Cuttriss, Charles B.	Post and Telegraph Master, King-street	58	Ill-health	174 17 0
Browne, John C.	Teacher, Public School, Tarranna Creek	62	Over 60 years of age	68 10 0
Read, J. A.	Chief Clerk, Supreme Court	63	do do	208 16 8
Mills, John	Teacher, Public School, Blacktown	67	do do	54 3 0
Maloney, Patrick O'Dwyer	School Attendance Officer, Public Instruction	63	do do	101 4 0
Wilson, John	do do	64	do do	64 9 0
Bock, Wm.	Landing-water Customs	67	do do	167 0 0
Porter, Andrew	Clerk, General Post Office	45	Ill-health	108 18 0
Mawson, Benjamin	Head Porter, Railway	62	Over 60 years of age	44 9 0
Reid, James	do	60	do do	36 0 0
Crackanthorp, Richard H.	Clerk, General Post Office	61	do do	85 5 0
Emmett, John H.	Teacher, Public School, Forest Hill	63	do do	30 9 0
Wheeler, Henry	Post and Telegraph Master, Muswellbrook	85	do do	56 17 0
Wilhamson, Thomas	Foreman Blacksmith, Fitzroy Dock	64	do do	56 15 0
Suape, Phillip	Police Magistrate, Gulgong	69	do do	88 13 0
Lambert, George	Teacher, Public School, Guildford	64	do do	54 8 0
Scowcroft, James	Post and Telegraph Master, Redfern	69	do do	90 6 0
Tompson, E. H.	Clerk of Petty Sessions, Wagga Wagga	68	do do	110 17 0
Allan, H. A.	1st-class Draftsman, Survey Office	41	Abolition of office	116 10 0
Brown, Edward	Clerk, Lands	48	do	182 6 0
Canty, Michael	1st-class Draftsman, Survey Office	36	do	124 9 0
Chisholm, D. H.	Chief Draftsman, District Survey Office, Albury	42	do	200 10 0
Davidson, John	1st Clerk, Survey Office	60	do	221 1 0
Ellis, J. W.	Chief Draftsman, Survey Office	68	do	384 8 0
Evans, Thomas	Accountant, do	42	do	168 18 0
Gerard, Francis	Chief Draftsman, Occupation Branch, Lands	38	do	160 9 0
Goggin, J. F.	1st-class Draftsman, Survey Office	46	do	189 7 0
Greaves, W. A. B.	1st-class Surveyor, do	58	do	288 17 0
Landers, J. F.	Secretary and Cashier, do	57	do	287 8 0
Lewis, George	1st-class Draftsman, do	43	do	196 13 0
Lewis, Thomas H.	do do	58	do	393 4 0
Long, George	do do	77	do	164 15 0
Macdonald, William	Clerk, Lands	64	do	97 17 0
Neate, Charles E.	do do	53	do	197 18 0
Newman, Thomas E. L.	do do	39	do	97 2 0
Patterson, Edmund	do do	59	do	117 1 0
Sharp, George W.	Lithographic Engraver, Lands	55	do	115 6 0
Shade, John James	2nd-class Draftsman, Survey Office	48	do	149 12 0
Stack, Edward	Clerk, do	40	do	69 18 0
Stevens, Thomas	1st-class Draftsman, do	48	do	211 2 0
Underwood, Richard G.	Description Writer, do	47	do	127 12 0
Williams, Frank	Clerk, Lands	40	do	99 3 0
Woolrych, Francis B. W.	Surveyor, Lands	61	do	208 11 0
McNaught, Thomas	Teacher, Public School, Broughton Creek	60	Over 60 years of age	70 11 0
Willis, James A. C.	1st-class Draftsman, Survey Office	54	Abolition of office	324 1 0
Wiseman, John	Clerk-in-charge, Local Land Board, Grafton	39	do	167 16 0
Groat, Malcolm	School Attendance Officer, Public Instruction	74	do	104 17 0
Downey, Patrick	do do do	61	do	77 12 0
Turner, George	do do do	61	do	106 13 6
Paeker, Goodwin R.	Chief Draftsman, Local Land Office, Grafton	37	Ill-health	150 10 0
Ahearn, William	Boatman, Newcastle, Customs	58	do	38 15 0
Schwartzkoff, Henry	Asst Superintendent, Protestant Orphan School, Parramatta.	51	Abolition of office	146 11 0
Arnott, John S.	Post and Telegraph Master, Wickham	54	Ill-health	60 10 0
Cork, Robert	Sea Pilot, Marine Board	65	Over 60 years of age	105 11 0
Sanders, George	School Attendance Officer, Public Instruction	61	Abolition of office	83 10 0
Forde, William	Chief Clerk, Public Works	49	Ill-health	253 18 0
Bolding, H. J.	Police Magistrate, Narrabri	77	Over 60 years of age	104 17 0
Vetch, John Ward	Attendant, Hospital for Insane, Parramatta	55	Ill-health	74 4 0
Fitch, John	Engineer and Master, Dredge "Gamma," Harbours and Rivers.	61	Over 60 years of age	106 12 0
Harris, Dr. Richard	Health Officer, &c., Newcastle	80	do do	63 4 0
McGregor, Roderick	Teacher, Public School, Cambewarra	47	Ill-health	80 10 0
Eccles, John	Lithographic Printer, Lands	62	Abolition of office	180 10 0
Collis, W.	Draftsman, Lands	33	do	92 14 0
Maybury, W. H.	Sheriff's Officer, Goulburn	72	Over 60 years of age	81 12 0
Lyne, Emanuel	School Attendance Officer, Public Instruction	66	Abolition of office	78 10 0
Wilson, Archibald	Stationary-engine Driver, Railways	55	Ill-health	65 16 0

APPENDIX III—continued.

Name of Pensioner.	Service for which Pension was granted.	Age	Reason for Retirement.	Pension.
Chandler, William	Gatekeeper, Railways.....	79	Over 60 years of age	£ s. d. 11 2 0
McLerie, Thomas P.	First Clerk, Colonial Secretary's Office	39	Mental derangement	156 0 0
Neale, J. R.	Clerk, Local Land Board, Albury.	56	Abolition of office	133 16 0
Biddlecomb, W. J.	Teacher, Public School, Cranbury	54	Ill-health	37 18 0
Swyny, John	Sub-Collector of Customs, Albury	61	Over 60 years of age	169 8 0
Donelan, Anthony Charles .	Locker, Customs	41	Ill-health	107 10 0
Fitzgerald, R. D.	Deputy Surveyor-General, Lands.....	56	Abolition of office	553 11 0
Nicoll, William	Carnage Builder, Railways	75	Over 60 years of age	36 2 0
Andersqn, Alexander	Teacher, Public School, Gledswood	65	do do	67 4 0

APPENDIX IV.

STATEMENT showing Gratuities granted to Widows and others under the provisions of the "Civil Service Act, 1884," during the year 1887.

Name of Recipient.	Service for which Gratuity was granted	Remarks	Gratuity.
Abbott, Sarah C.	Widow of S. Abbott, Station-master, Eveleigh, Railways.	Widow	£ s. d. 107 10 0
Bardon, Elizabeth	Widow of R. Bardon, Clerk, Mines	do	122 10 0
Brentnall, Rebecca A. D.	Widow of C. J. Brentnall, Inspector of Stock	do	140 0 0
Cournane, Sarah Ann .	Widow of Daniel Cournane, Warder, Cooma Gaol	do	73 0 0
Hussey, H. M.	Widow of J. G. Hussey, Gaoler, Parramatta	do	125 0 0
Neale, Mariann	Widow of N. Neale, Locker, Customs	do	68 15 0
Johnston, James	Fireman, Marine Board	Ill-health	34 5 0
Gurney, Emily A.	Widow of George A. Gurney, Clerk, Office of Clerk of the Peace.	Widow	132 10 0
O'Brien, Ellen	Widow of Thos. O'Brien, Railway Station-master, Lochinvar.	do	96 5 0
Burnett, Elizabeth S.	Widow of John Burnett, of Harbours and Rivers	do	57 4 0
Bagot, Annie	Widow of G. S. Bagot, Clerk, Audit Branch, Railways.	do	75 0 0
Carter, Kate	Widow of John Carter, Railways	do	100 0 0
Jamieson, Elizabeth	Teacher, Public School, Yerriong	Ill-health	71 13 4
Barker, Eliza	Widow of Wm. Barker, Stamper and Sorter, General Post Office.	Widow	100 0
Bennett, James W. P.	Post and Telegraph Master, Lake Cudgellico	Ill-health	140 9 3
Andrew, John, Children of ...	Family of late John Andrew, Clerk, Railways	Children	60 0 0
O'Shea, Michael	Drill Instructor, Protestant Orphan School, Parramatta.	Abolition of office ..	295 16 11
Stone, William	Railway Letter-sorter, General Post Office	Disabled in discharge of duty	375 10 0
Bunny, T. C.	Registrar, Mines	Mental derangement	531 13 4
Le Jeune, Lily	Widow of Paul le Jeune, C.P.S., Campbelltown...	Widow	195 0 0
Humphrics, John	Boatman, Marine Board	Ill-health	95 1 1
McCormick, Thomas J.	Stamper and Sorter, General Post Office	do	138 17 9
Vivian, Louisa R.	Widow of John A. Vivian, 2nd Clerk Assistant, Legislative Assembly.	Widow	300 0 0
Macdonnell, John	Messenger, Lands	Ill-health	119 1 3
Allen, Wm.	Forest Ranger, Mines	do	192 3 9
Johnson, Charles P.	Teacher, Provisional School, Angledool	Over 60 years of age	83 2 6
Green, Henrietta	Widow of Alfred Green, Sub-collector of Customs, Tweed River.	Widow	163 0 0
Wilson, Minnie	Mistress, Public School, Bullanaming-street	Ill-health	230 11 2
Ruddock, C. A.	Widow of Joseph Ruddock, Teacher, Public School, Canowindra.	Widow	90 0 0
Collman, T. W.	Clerk, Store Branch, Railways	Ill-health	64 11 8
Quinan, James	Inspector of Fisheries.....	Abolition of office	99 6 1
Guiry, Jerome J.	Clerk, Office of the Clerk of the Peace	do	144 8 10
Hiles, Thomas	do Roads and Bridges	Over 60 years of age ..	271 10 6
Place, Thomas	Boatman, Marine Board	Ill-health	148 19 8
Culhane, Anthony P.	Teacher, Public School, Dusodie	do	47 12 9
Tait, Susannah	Widow of Alexander Tait, Boatman, Marine Board	Widow	73 10 0
Alexander, S.	Draftsman, Survey Office	Abolition of office	222 13 5
Allan, J. R.	do do	do	27 3 0
Cansdell, G. G. M.	do do	do	480 14 7
Duff, G. D.	do do	do	108 3 11
Gleeson, W.	do do	do	27 3 0
Gread, M. J. F.	do do	do	205 0 0
Hemming, O. H.	Assistant Examiner, Survey Office	do	325 18 9
Inder, H.	Clerk, Lands	do	200 16 8
Kennedy, J. M.	Draftsman, Survey Office	do	264 18 7
M'Minn, D. S.	do do	do	318 5 7
M'Neill, J.	Clerk, do	do	167 11 5
Minchen, E. W.	Draftsman, do	do	267 7 2
Morris, E. R.	Lithographic Draftsman, Survey Office	do	264 18 7
Sharp, F. W.	do do	do	200 0 0
Smith, F.	Clerk, Lands	do	225 0 0
Turn, G. G.	Draftsman, Survey Office	do	269 1 3
Walker, G. W.	Plan-mounter, do	do	208 6 8
Webster, W.	Examiner of Diagrams, Survey Office	do	381 11 11
Van Wessent, L. A.	Draftsman, do	do	109 9 11
Williams, E. G.	Clerk, Lands	do	192 12 9
Asher, Alfred	School Attendance Officer, Public Instruction	do	112 5 10
Barnes, George R.	Junior Draftsman, do	do	65 0 0
Carpenter, H. S.	School Attendance Officer, do	do	97 0 3

APPENDIX IV—continued.

Name of Recipient	Service for which Gratuity was granted.	Remarks	Gratuity.
Cork, F. A. H.	School Attendance Officer, Public Instruction	Abolition of office	£ s. d. 97 15 6
Curran, W. R.	do	do	113 1 1
Dadley, Frederick	Clerk of Works,	do	238 8 9
Duncan, David	do	do	96 13 4
Dwyer, Denis	School Attendance Officer,	do	113 1 1
Evans, Henry	do	do	111 10 6
Fagan, Charles C.	do	do	96 5 0
Henry, Herbert	Draftsman,	do	127 10 0
Margrie, William H.	Clerk of Works,	do	226 11 3
McGeorge, Andrew	School Attendance Officer,	do	97 0 3
Nurthen, Thomas K.	Clerk of Works,	do	53 6 8
Petre, Gerald	Draftsman,	do	41 13 4
Sutton, Rowland T.	School Attendance Officer,	do	118 8 0
Thornton, James C.	do	do	97 15 6
Turner, Wilham	do	do	97 15 6
Walkinshaw, C. C.	do	do	87 7 3
White, Frederick J.	do	do	97 0 3
Williamson, Alexander J.	Draftsman,	do	55 4 2
Wilson, William G.	School Attendance Officer,	do	118 8 0
Isaac, Lily Ann	Post-mistress, Scone	Over 60 years of age	53 17 5
Delaney, Michael	Officekeeper, Telegraphs	Abolition of office	262 15 6
Lloyd, William F.	Storekeeper, Fitzroy Dock, Harbours and Rivers	do	403 15 0
Oakley, Catherine	Widow of John Oakley, Clerk, Railway Department.	Widow	97 10 0
Pringle, Annie O.	Matron, Protestant Orphan School, Parramatta	Abolition of office	440 0 0
Sharp, Edward	School Attendance Officer, Department of Public Instruction.	do	215 8 4
Garnett, Henry	School Attendance Officer, Department of Public Instruction.	do	101 7 1
Maier, Minnie	Widow of H. J. Maier, Clerk, Railway Department.	Widow	53 15 0
Godden, Alice	Widow of H. R. Godden, Timekeeper, Railway Department.	do	97 10 0
Rusden, M. A.	Widow of F. T. Rusden, Police Magistrate, Merriwa.	do	220 0 0
Furber, B. M.	Widow of A. F. Furber, Foreman Bookbinder, Government Printing Office.	do	175 0 0
Finn, J. J.	Draftsman, Department of Lands	Abolition of office	231 17 6
Richardson, F. W. H.	Teacher, Public School, Carrick	Ill-health	45 6 6
Booth, W.	Clerk, Department of Lands	do	34 0 6
Goff, R. A.	Deputy Comptroller of Prisons	do	537 15 6
Chatwin, Samuel	Fitter, Department of Railways	do	143 19 2
McLennan, J. A.	Clerk, Department of Lands	Abolition of office	103 2 6
Pitcairn, M. E.	Widow of Robert Pitcairn, Crown Prosecutor	Widow	250 0 0
Avis, J. O.	Bookbinder, Government Printing Office	Ill-health	102 4 6
De Rozzoli, O. F.	Draftsman, Lands Department	Abolition of office	191 5 0
Hicks, A.	Widow of D. S. Hicks, Department of Public Instruction.	Widow	300 0 0
Daley, F. L.	Widow of M. Daley, Clerk, Railway Department	do	67 10 0
Street, Sarah	Widow of C. L. Street, Teacher, Public School, Ilford.	do	90 0 0
Tuckerman, P. P.	Clerk, Survey Office	Abolition of office	164 18 7
Stewart, E. M.	Widow of W. R. Stewart, Assistant C.P.S., Central Police Office.	Widow	245 0 0
Wright, E.	Widow of John Wright, Principal of Fort-street Training School.	do	325 0 0
Rowan, Alfred	Clerk, Railway Department	Ill-health	194 2 0
Horn, Jane	Widow of Charles Horn, Railway Station-master, Gundagai.	Widow	16 5 5
Foster, E. A.	Widow of W. B. Foster, Clerk, General Post Office	do	34 11 9

APPENDIX V.

STATEMENT showing Pensions granted under the provisions of the Imperial Act, 4 and 5 Gul IV, during the year 1887.

Name of Pensioner.	Service for which the Pension was granted	Age.	Reason for Retirement	Pension
Scarr, John A.	Late Shorthand-writer, Legislative Council	56	Ill-health	£ s. d. 311 0 0
Martin, John B.	Late Clerk of Petty Sessions, Camden	68	Over 60 years of age	157 17 0
Dawson, Robert	Late Police Magistrate, Cooma	75	do	262 10 0

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CIVIL SERVICE ACT.

(RETIREMENTS UNDER, &c.)

Ordered by the Legislative Assembly to be printed, 2 November, 1887.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 27th September, 1887, That there be laid upon the Table of this House, a Return showing,—

- “(1.) The total number of retirements under the Civil Service Act of 1884, and under the provisions of clauses 43, 44, 45, 46, and 47 of Part 5 of the said Act.
“(2.) The amounts paid as gratuities to Officers whose services have been dispensed with under clauses 48, 49, and 50.
“(3.) The total amount which is chargeable to the Superannuation Account, giving each Officer’s allowance or gratuity.
“(4.) The number of Officers whose services have been dispensed with before reaching the age of 60 years, the saving to the State through such action, showing the amounts chargeable to the Superannuation Account and Consolidated Revenue respectively, together with any other information that will tend to make the Return complete.”

(*Mr. Frank Farnell.*)

- (1.) The total number of retirements under the Civil Service Act of 1884, and under the provisions of clauses 43, 44, 45, 46, and 47 of Part 5 of the said Act:—

<i>Pensions.</i>		<i>Gratuities.</i>	
Section 43	63	Section 43	8
” 44	40	” 44	28
” 45	2	” 45	1
” 46	36	” 46	52
” 47	nil.	” 47	nil.
		” 50	3
Total.....	141	Total.....	92

Since 1st January, 1885, to 30th September, 1887, 141 officers have retired on pensions, 92 officers on gratuities, and 57 widows have received gratuities under section 51.

- (2.) The amounts paid as gratuities to officers whose services have been dispensed with under clauses 48, 49, and 50.

Section 48—Pensions	£15,672	7	7	per annum
” 49—Gratuities	14,782	15	4	
” 50—Gratuities... ..	813	3	4	

Gratuities, amounting to £6,300 15s. 11d., have also been paid to widows of deceased officers under section 51. (3.)

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[1,105 copies—Approximate Cost of Printing (labour and material), £7 6s. 11d.]

- (3.) The total amount which is chargeable to the Superannuation Account, giving each officer's allowance or gratuity.

Pensions	£15,672 7 7 per annum.
Gratuities... ..	21,896 14 7

For particulars see Schedules I and II.

- (4.) The number of officers whose services have been dispensed with before reaching the age of 60 years, the saving to the State through such action, showing the amounts chargeable to the Superannuation Account and Consolidated Revenue respectively, together with any other information that will tend to make the Return complete.

The services of 74 officers have been dispensed with before reaching 60 years of age.

The saving to the State in salaries from the date of the forced retirement to reaching 60 years of age amounts to £395,914.

The amount chargeable to the Superannuation Account is £4,282 1s. per annum for pensions, and £8,091 19s. 5d. for gratuities. (See Schedules III and IV.)

To provide for compensation to these officers for loss of office, special votes from the Consolidated Revenue were made of £13,400 (Estimates 1887, pp. 68 and 105), part of which was voted to relieve the officers entitled to pensions from the abatement to which their pensions were liable under the Act, but from these votes the Superannuation Account derived no benefit.

It will be seen from Schedules III and IV that the sum of £47,742 1s. will be paid away to these officers before the time at which they would be entitled to retire. The account will also lose the sum of £15,218 7s. 2d., as 4 per cent. deduction from their salaries, besides a considerable amount for interest which would have accrued during the period.

In addition to the officers comprised in this return, the claims of others have yet to be considered.

A large number of temporary officials have also been dispensed with, but as they did not contribute to the Superannuation Account they had no claim under the Civil Service Act.

Civil Service Board, Sydney, 21 October, 1887.

SCHEDULE I.

PENSIONS granted under the "Civil Service Act, 1884," from 1st January, 1885, to 30th September, 1887.

Name of Pensioner.	Amount of Pension.	Total amount granted under section.	Name of Pensioner.	Amount of Pension.	Total amount granted under section.
SECTION 43.			SECTION 43.		
Newport Thomas ...	£ 55 2 0		Fancourt Thomas ...	£ 232 6 0	
Dubigg Matthew ...	31 6 0		Gilberthorpe William..	37 2 0	
Sixsmith William ...	69 10 0		Easton George R. ...	97 7 0	
Cumming J. E. ...	77 8 0		Browne John C. ...	68 10 0	
Stevenson Jane ...	59 1 0		Read J. A. ...	208 16 8	
Palmer George ...	24 13 0		Mills John ...	54 3 0	
Pentland Colin C. ...	20 10 0		O'Dwyer Patrick ...	101 4 0	
MacDougal Robert ...	34 13 0		Beck William ...	167 0 0	
Crothers Thomas ...	22 13 0		Mawson Benjamin ...	44 9 0	
Johnson Alexander ...	173 17 0		Reid James ...	36 0 0	
West Josiah ...	20 6 0		Crackanthorp R. H. ...	85 5 0	
Curnane James ...	45 10 0		Emmett John H. ...	30 9 0	
O'Brien Thomas ...	34 3 0		Wheeler Henry ...	56 17 0	
Darby Anthony ...	38 11 0		Williamson Thomas...	56 15 0	
Walker Edward ...	37 0 0		Snape Phillip... ..	88 13 0	
Wilkins William ...	63 8 0		Lambert George ...	54 8 0	
Goold Pierce ...	85 7 0		Scowcroft James ...	90 6 0	
Hayes George P. ...	17 12 0		Tompson Edwin H. ...	110 17 0	
Ledsam Jeremiah ...	11 19 0		M'Naught Thomas ...	70 11 0	
Ward Dr. R. D. ...	40 10 0		Cork Robert ...	105 11 0	
Mackinlay John ...	64 10 0		Bolding H. J. ...	104 17 0	
Harland Thomas ...	42 3 0		Fitch John ...	106 12 0	
Suter Francis E. ...	35 10 0		Harris Dr. Richard ...	63 4 0	
Hawkins Richard ...	92 4 0				4,844 15 11
Langton William ...	109 7 6		SECTION 44.		
Field Thomas... ..	33 1 0		Russell Macnamara ...	111 0 11	
Gosnell Edward ...	36 12 0		Crane William ...	369 16 6	
Board W. W. ...	74 13 0		Proctor James ...	90 15 0	
Whalen William ...	37 6 0		Spanswick George ...	72 7 0	
Sangster John ...	255 18 9		Bell Joseph ...	46 13 0	
Woodgate Edward ...	150 19 0		Styles Eliza ...	123 0 0	
Shaw William E. ...	84 7 0		M'Cormick Peter D....	76 19 0	
Watt Charles... ..	118 2 0		Rohan Patrick ...	46 12 0	
Jacob John ...	49 8 0		Dempsey Denis ...	71 5 0	
May William... ..	82 1 0		Small Samuel... ..	36 9 0	
Walker William ...	47 7 0		Kelly James ...	44 4 0	
Grant A. O. ...	215 15 0		Parsons Charles ...	47 8 0	
Carlisle Thomas ...	163 15 0		Hanna William ...	32 14 0	
Hunter William ...	79 4 0		Tessier Henry ...	49 9 0	
Henderson Robert ...	38 11 0		Burnell Arthur J. ...	108 10 0	

Name of Pensioner.	Amount of Pension.	Total amount granted under section.	Name of Pensioner.	Amount of Pension.	Total amount granted under section.
SECTION 44.		£ s. d.	SECTION 46.		£ s. d.
O'Grady Michael ...	51 2 0	£ s. d.	Goldsmith, Henry ...	109 6 0	£ s. d.
Hinder Edward R. ...	104 10 0		Allan, Henry A. ...	116 10 0	
Miller Samuel K. ...	100 7 0		Brown Edward ...	182 6 0	
Donaldson Robert ...	106 16 0		Canty Michael ...	124 9 0	
Stack John ...	166 11 9		Chisholm Daniel H. ...	200 10 0	
Poole George ...	62 8 0		Davidson John ...	221 1 0	
Dunkin John ...	60 3 0		Ellis John W. ...	384 8 0	
Jamieson George ...	166 18 0		Evans Thomas ...	168 18 0	
Richards Thomas ...	480 2 0		Gerard Francis ...	160 9 0	
Egan Dr. Miles ...	327 2 0		Goggin John F. ...	189 7 0	
Ferguson Peter ...	70 8 0		Greaves W. A. B. ...	288 17 0	
Tiddy Loctrin ...	75 4 0		Landers John F. ...	287 8 0	
Booth James ...	43 19 3		Lewis George ...	196 13 0	
Trice Mary A. ...	31 15 3		Lewis Thomas H. ...	393 4 0	
Groves William ...	52 8 0		Long George... ...	164 15 0	
Fleming Martin ...	41 18 0		Macdonald William ...	97 17 0	
Rodd Clement T. ...	74 9 0		Neate Charles E. ...	197 18 0	
Plunkett W. E. ...	553 1 0		Newman Thomas E. L. ...	97 2 0	
Cuttriss Charles B. ...	174 17 0		Patterson Edmund ...	117 1 0	
Porter Andrew ...	108 18 0		Sharp George W. ...	115 6 0	
Packer Goodwin R. ...	150 10 0		Slade John James ...	129 1 0	
Ahern William ...	38 15 0	Stack Edward ...	69 18 0		
Arnott John S. ...	60 10 0	Stevens Thomas ...	211 2 0		
Forde William ...	254 8 0	Underwood R. G. ...	119 0 0		
Veitch J. W.... ...	74 4 0	Williams Frank ...	99 3 0		
		4,758 6 8	Woolrych F. B. W....	208 11 0	
SECTION 45.			Willis James A. C....	324 1 0	
Carroll Gabriel H. L...	86 12 0		Wiseman John ...	167 16 0	
Harrison J. T. ...	81 15 0	168 7 0	Groat Malcolm ...	104 17 0	
SECTION 46.			Downey Patrick ...	73 10 0	
M'George John ...	70 3 0		Turner George ...	106 13 0	
Byrne Mrs. M. M. G.	125 8 0		Schwartzkoff Henry ...	130 11 0	
Wilson, John... ...	64 9 0		Sanders George ...	83 10 0	
					5,900 18 0

SUMMARY.

	£	s.	d.	
Officers who have retired over 60 years of age ...	4,844	15	11	Section 43.
Do do from ill-health, supported by medical testimony	4,758	6	8	" 44.
Do do having been reported as unfit for duty by the Head of their Department, and examined by a Medical Board ...		168	7 0	" 45.
Do do because their services have been dispensed with		5,900	18 0	" 46.
Pensions granted to date...	£	15,672	7 7	

SCHEDULE II.

GRATUITIES granted under the "Civil Service Act, 1884," from 1st January, 1885, to 30th September, 1887.

Name of Recipient.	Amount of Gratuity.	Total amount granted under section.	Name of Recipient.	Amount of Gratuity.	Total amount granted under section.		
SECTION 43.		£ s. d.	SECTION 44.		£ s. d.		
Chape Catherine ...	201 3 4	£ s. d.	Edwards F. ...	110 0 0	£ s. d.		
Coupar Alexander ...	105 18 0		M'Kenna P. ...	36 0 0			
Rowe Henry ...	115 16 0		Smith George ...	291 13 4			
Fawcett Archibald ...	43 10 10		Williams James ...	238 17 9			
Johnson Charles P. ...	83 2 6		Buchanan William ...	209 7 6			
Hiles Thomas ...	271 10 6		Langley Michael ...	149 0 10			
Isaac L. A. ...	53 17 5		Grant William ...	174 2 7			
Burrell Joseph ...	96 10 6		Waldron Christina ...	169 3 4			
			971 9 1	Woods T. A. Tenison...		207 15 7	

Name of Recipient.	Amount of Gratuity.	Total amount granted under section.	Name of Recipient.	Amount of Gratuity.	Total amount granted under section.
SECTION 44.			SECTION 46.		
M'Namara Ellen ...	£ s. d. 117 12 9	£ s. d. 4,139 11 1	Lloyd William F. ...	£ s. d. 403 15 0	£ s. d. 9,140 1 10
Murray J. S. ...	163 6 8		Pringle Mrs. A. O. ...	440 0 0	
Byrnes James ...	671 11 4	4,139 11 1	Sharp Edward ...	215 8 4	9,140 1 10
Butler Mrs. M. E. ...	45 15 4		Finn J. J. ...	231 17 6	
Cayser James W. ...	100 0 0	4,139 11 1	SECTION 50.		
Johnston James ...	34 5 0		Argue Robert ...	169 6 8	813 3 4
Jamieson Elizabeth ...	71 13 4	4,139 11 1	Leeson Edward ...	268 6 8		813 3 4
Bennett James W. P. ...	140 9 3		Stone William ...	375 10 0	
Humphries John ...	95 1 1	4,139 11 1	SECTION 51.		
M'Cormick Thomas J. ...	138 17 9		Sullivan Mrs. L. M. ...	75 0 0	6,300 15 11
Macdonnell John ...	110 4 7	4,139 11 1	Street Mrs. S. R. ...	175 0 0		6,300 15 11
Allen William ...	192 3 9		Bell Mrs. A. H. ...	110 0 0	
Wilson Minnie ...	230 11 2	4,139 11 1	Dalton Mrs. J. ...	110 0 0	6,300 15 11
Collman T. W. ...	64 11 8		Beeston Mrs. A. ...	82 10 0	
Place Thomas ...	148 19 8	4,139 11 1	Bourne Mrs. J. ...	235 0 0	6,300 15 11
Culhane Anthony P. ...	47 12 9		Chantrill Mrs. L. ...	90 0 0	
Garnett Henry ...	101 7 1	4,139 11 1	Pemberton Mrs. M. ...	97 10 0	6,300 15 11
Booth William ...	34 0 6		Atkinson Mrs. M. A. ...	75 0 0	
Richardson F. W. H. ...	45 6 6	4,139 11 1	Buckland Mrs. J. ...	108 0 0	6,300 15 11
SECTION 45.			Gray Mrs. Emily ...	125 0 0	
Binny T. C. ...	531 13 4	531 13 4	Robertson Mrs. J. ...	131 12 0	6,300 15 11
SECTION 46.			Conroy Mrs. W. ...	75 5 7	
Greenland Herbert ...	166 6 0	531 13 4	Thorburn Mrs. A. ...	112 0 0	6,300 15 11
Oakley W. A. ...	54 9 0		McDonough Mrs. ...	90 0 0	
O'Shea Michael ...	295 16 11	531 13 4	O'Dwyer Mrs. M. H. ...	185 0 0	6,300 15 11
Quinan James ...	99 6 1		Mulhall Mrs. M. ...	90 0 0	
Guiry Jerome J. ...	144 8 10	531 13 4	Helm Mrs. E. ...	160 0 0	6,300 15 11
Alexander S. ...	222 13 5		Sheldon Mrs. R. ...	6 0 0	
Allan J. R. ...	27 3 0	531 13 4	Morgan Mrs. ...	90 0 0	6,300 15 11
Cansdell G. G. M. ...	480 14 7		Argent Mrs. A. ...	75 0 0	
Duff G. D. ...	108 3 11	531 13 4	Stonehill Mrs. J. ...	73 0 0	6,300 15 11
Gleeson W. ...	27 3 0		Aldrich Mrs. M. ...	54 0 0	
Gread M. J. F. ...	205 0 0	531 13 4	Clements Mrs. E. ...	105 0 0	6,300 15 11
Hemming O. H. ...	325 18 9		Hosier Mrs. S. A. A. ...	86 5 0	
Inder H. ...	200 16 8	531 13 4	Blackwood Mrs. M. ...	90 0 0	6,300 15 11
Kennedy J. M. ...	264 18 7		McSkimming Mrs. E. ...	90 0 0	
McMinn D. S. ...	318 5 7	531 13 4	Radford Mrs. M. ...	160 0 0	6,300 15 11
McNeill J. ...	167 11 5		Hurn Mrs. R. ...	9 14 4	
Minchen E. W. ...	267 7 2	531 13 4	Fabris Mrs. E. ...	66 0 0	6,300 15 11
Morris E. R. ...	264 18 7		Fitzgerald Mrs. F. ...	140 0 0	
Sharp F. W. ...	200 0 0	531 13 4	Balsham Mrs. H. ...	66 0 0	6,300 15 11
Smith F. ...	225 0 0		Lorenson Mrs. C. ...	105 0 0	
Turri G. G. ...	269 1 3	531 13 4	Thrum Mrs. L. A. ...	175 0 0	6,300 15 11
Walker G. W. ...	208 6 8		Abbot Mrs. S. C. ...	107 10 0	
Webster W. ...	381 11 11	531 13 4	Barden Mrs. E. ...	122 10 0	6,300 15 11
Van Wessem L. A. ...	109 9 11		Brentnall Mrs. R. A. D. ...	140 0 0	
Williams E. G. ...	192 12 9	531 13 4	Cournane Mrs. S. A. ...	73 0 0	6,300 15 11
Asher Alfred ...	112 5 10		Hussey Mrs. H. M. ...	125 0 0	
Barnes George R. ...	65 0 0	531 13 4	Neale Mrs. M. ...	68 15 0	6,300 15 11
Carpenter H. S. ...	97 0 3		Gurney Mrs. E. A. ...	132 10 0	
Cork F. A. H. ...	97 15 6	531 13 4	O'Brien Mrs. E. ...	96 5 0	6,300 15 11
Curran W. R. ...	113 1 1		Burnett Mrs. E. S. ...	57 4 0	
Dadley Frederick ...	238 8 9	531 13 4	Bagot Mrs. A. ...	75 0 0	6,300 15 11
Duncan David ...	96 13 4		Carter Mrs. K. ...	100 0 0	
Dwyer Denis ...	113 1 1	531 13 4	Barker Mrs. E. ...	100 0 0	6,300 15 11
Evans Henry ...	111 10 6		Andrews, late John, children of.	60 0 0	
Fagan Charles C. ...	96 5 0	531 13 4	Le Jeune Mrs. L. ...	195 0 0	6,300 15 11
Henry Herbert ...	127 10 0		Vivian Mrs. L. R. ...	300 0 0	
Margrie W. H. ...	226 11 3	531 13 4	Green Mrs. H. ...	163 0 0	6,300 15 11
M'George Andrew ...	97 0 3		Ruddock Mrs. C. A. ...	90 0 0	
Nurthew T. K. ...	53 6 8	531 13 4	Tait Mrs. S. ...	73 10 0	6,300 15 11
Petre Gerald ...	41 13 4		Oakley Mrs. C. ...	97 10 0	
Sutton R. T. ...	118 8 0	531 13 4	Mailer Mrs. M. ...	53 15 0	6,300 15 11
Thornton J. C. ...	97 15 6		Godden Mrs. A. ...	97 10 0	
Turner William ...	97 15 6	531 13 4	Rusden, Mrs. M. A. ...	220 0 0	6,300 15 11
Walkinshaw C. C. ...	87 7 3		Furber, Mrs. B. M. ...	175 0 0	
White F. J. ...	97 0 3	531 13 4	SECTION 49.		
Williamson A. J. ...	55 4 2		This section simply provides for the payment of gratuities to officers retiring under other sections.		
Wilson W. G. ...	118 8 0	531 13 4			
Delaney Michael ...	262 15 6				

SUMMARY.

	£	s.	d.	
Officers who have retired over 60 years of age	971	9	1	Section 43
Officers who have retired from ill-health, supported by medical testimony	4,139	11	1	„ 44
Officers who have retired, having been reported as unfit for duty by the Head of the Department, and examined by a Medical Board...	531	13	4	„ 45
Officers who have retired because their services have been dispensed with	9,140	1	10	„ 46
Officers who have retired, disabled by accident while on duty	813	3	4	„ 50
Widows of deceased officers in necessitous circumstances	6,300	15	11	„ 51
Gratuities granted to date	£21,896	14	7	

SCHEDULE III.

OFFICERS under 60 years of age whose Services have been dispensed with from 1st January, 1885, to 30th September, 1887.

Officer.	Age at date services were dispensed with.	Abatement on Salaries prior to 1st January, 1885, paid by the Government.	Pension granted per annum.	Salary and allowances per annum.	Amount lost by the Superannuation Account as 4 per cent. deduction from salary because of retirement before 60 years of age.	Total Pension to be paid from the date of forced retirement until arrival at 60 years of age.	Total salary saved by the Government by dispensing with these officers before they were 60 years of age.	Total loss to the Superannuation Account, irrespective of interest, by the officer retiring before the prescribed 60 years of age.
	years.	£ s. d.	£ s. d.	£	£ s. d.	£ s. d.	£	£ s. d.
LANDS DEPARTMENT.								
Allan H. A.	41	182 7 7	116 10 0	315	239 8 0	2,213 10 0	5,985	2,452 18 0
Brown Edward	48	313 15 7	182 6 0	370	177 12 0	2,187 12 0	4,440	2,365 4 0
Canty M.	36	152 10 3	124 9 0	440	422 8 0	2,986 16 0	10,560	3,409 4 0
Chisholm D. H.	42	225 1 6	200 10 0	550	396 0 0	3,609 0 0	9,900	4,005 0 0
Evans Thomas	42	248 10 3	168 18 0	440	320 16 0	3,040 4 0	7,920	3,361 0 0
Gerard Francis	38	172 15 3	160 9 0	490	431 4 0	3,529 18 0	10,780	3,961 2 0
Goggin J. F.	46	262 3 10	189 7 0	490	274 8 0	2,650 18 0	6,860	2,925 6 0
Greaves W. A. B.	58	530 17 6	288 17 0	575	46 0 0	577 14 0	1,150	623 14 0
Landers J. F.	57	419 10 6	287 8 0	550	66 0 0	862 4 0	1,650	928 4 0
Lewis George	43	265 7 1	196 13 0	490	333 4 0	3,343 1 0	8,330	3,676 5 0
Lewis T. H.	58	567 8 11	393 4 0	650	52 0 0	786 8 0	1,300	838 8 0
Neate C. E.	58	272 19 10	197 18 0	420	33 12 0	395 16 0	840	429 8 0
Newman T. E. L.	39	129 10 7	97 2 0	340	285 12 0	2,039 2 0	7,140	2,324 14 0
Patterson Edward	59	174 1 6	117 1 0	340	13 12 0	117 1 0	340	130 13 0
Sharp G. W.	55	217 10 4	115 6 0	340	68 0 0	576 10 0	1,700	644 10 0
Slade J. J.	48	188 11 8	129 1 0	350	168 0 0	1,548 12 0	4,200	1,716 12 0
Stack Edward	40	119 13 10	69 18 0	240	192 0 0	1,398 0 0	4,800	1,590 0 0
Stevens Thomas	48	297 10 3	211 2 0	525	252 0 0	2,533 4 0	6,300	2,785 4 0
Underwood R. G.	47	163 2 6	119 0 0	350	182 0 0	1,547 0 0	4,550	1,729 0 0
Williams Frank	40	147 5 8	99 3 0	290	232 0 0	1,983 0 0	5,800	2,215 0 0
Willis J. A. C.	54	468 12 8	324 1 0	600	144 0 0	1,944 6 0	3,600	2,088 6 0
Wiseman John	39	203 19 0	167 16 0	420	352 16 0	3,523 16 0	8,820	3,876 12 0
...	...	5,723 6 1	3,955 19 0	9,575	4,682 12 0	43,393 12 0	116,965	48,076 4 0
COLONIAL SECRETARY'S DEPARTMENT.								
M'George John	38	Paid by Pensioner.	70 3 0	310	220 0 0	1,543 6 0	6,820	1,763 6 0
PUBLIC INSTRUCTION DEPARTMENT.								
Byrne Mrs. M. M. G.	47	Paid by Pensioner.	125 8 0	300	104 0 0	1,630 4 0	3,900	1,734 4 0
Schwartzkoff Henry	51	do ..	130 11 0	335	64 16 0	1,174 19 0	3,015	1,239 15 0
...	...	.....	255 19 0	635	168 16 0	2,805 3 0	6,915	2,973 19 0
Total.....	...	5,723 6 1	4,282 1 0	10,520	5,071 8 0	47,742 1 0	130,700	52,813 9 0

SCHEDULE IV.

OFFICERS under 60 years of age whose services have been dispensed with, and who have received gratuities at the rate of one month's pay for each year of service, from 1st January, 1885, to 30th September, 1887.

GRATUITIES.

Officer.	Age at date services were dispensed with	Gratuity granted.	Salary and Allowances per annum.	Amount lost by the Superannuation Account as 4 % deduction from salary because of retirement before sixty years of age.	Total Salary saved by the Government by dispensing with these Officers before they were 60 years of age.
RAILWAYS.					
Greenland Herbert	37	£ 166 6 0	£ 300	£ 276 0 0	£ 6,900
Oakley W. A.	29	54 9 0	234	290 3 2	7,254
PUBLIC INSTRUCTION DEPARTMENT.					
Asher Alfred	36	112 5 10	220	211 4 0	5,280
Barnes G. R.	23	65 0 0	130	192 8 0	4,810
Carpenter H. S.	51	97 0 3	220	79 4 0	1,980
Cork F. A. H.	28	97 15 6	220	281 12 0	7,040
Curran W. R.	44	113 1 1	220	140 16 0	3,520
Dudley Frederick	50	238 8 9	315	126 0 0	3,150
Duncan David	43	96 13 4	240	163 4 0	4,080
Dwyer Demis	38	113 1 1	220	193 12 0	4,840
Evans Henry	38	111 10 6	220	193 12 0	4,840
Fagan C. C.	54	96 5 0	220	52 16 0	1,320
Henry Herbert	27	127 10 0	240	316 16 0	7,920
Margie W. H.	56	226 11 3	290	46 8 0	1,160
McGeorge Andrew	33	97 0 3	220	237 12 0	5,940
Nurthew T. K.	41	53 6 8	240	182 8 0	4,560
Petre Gerald	28	41 13 4	200	256 0 0	6,400
Sutton R. T.	39	118 8 0	220	184 16 0	4,620
Thornton J. C.	33	97 15 6	220	237 12 0	5,940
Turner William	52	97 15 6	220	70 8 0	1,760
Walkinshaw C. C.	53	87 7 3	220	61 12 0	1,540
White F. J.	43	97 0 3	220	149 12 0	3,740
Williamson A. J.	32	55 4 2	265	296 16 0	7,420
Wilson W. G.	59	118 8 0	220	8 16 0	220
Sharpe Edward	57	215 8 4	220	26 8 0	660
ROMAN CATHOLIC ORPHAN SCHOOL.					
O'Shea Michael	48	295 16 11	140	43 4 0	1,680
PROTESTANT ORPHAN SCHOOL.					
Pringle Mrs. A. O.	45	440 0 0	440	144 0 0	6,600
COLONIAL SECRETARY'S DEPARTMENT.— FISHERIES OFFICE.					
Quinan James	45	99 6 1	220	132 0 0	3,300
ATTORNEY-GENERAL'S DEPARTMENT.— CLERK OF THE PEACE OFFICE.					
Guiry Jerome J.	36	144 8 10	200	192 0 0	4,800
LANDS DEPARTMENT.					
Alexander S.	26	222 13 5	265	360 8 0	9,010
Allen J. R.	21	27 3 0	115	179 8 0	4,485
Cansdell G. G. M.	32	480 14 7	390	109 4 0	10,920
Duff G. D.	24	108 3 11	190	273 12 0	6,840
Gleeson W.	21	27 3 0	115	179 8 0	4,485
Gread M. J. F.	34	205 0 0	240	249 12 0	6,240
Hemming O. H.	42	325 18 9	315	236 16 0	5,670
Inder H.	44	200 16 8	240	153 12 0	3,840
Kennedy J. M.	34	264 18 7	350	364 0 0	9,100
M'Minn D. S.	44	318 5 7	315	201 12 0	5,040
M'Neil J.	35	167 11 5	190	190 0 0	4,750
Minchen E. W.	35	267 7 2	350	350 0 0	8,750
Morris E. R.	36	264 18 7	350	336 0 0	8,400
Sharp F. W.	26	200 0 0	240	326 8 0	8,160
Smith F.	47	225 0 0	240	124 16 0	3,120
Turn G. G.	24	269 1 3	315	453 12 0	11,340
Walker G. W.	27	208 6 8	200	264 0 0	6,600
Van Wessem L. A.	24	109 9 11	265	381 12 0	9,540
Wilhams E. G.	34	192 12 9	190	197 12 0	4,940
Winn J. J.	26	231 17 6	315	428 8 0	10,710
Total	£	8,091 19 5	11,944	10,146 19 2	265,214

Civil Service Board,
Sydney, 21st October, 1887.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

APPOINTMENTS TO THE CIVIL SERVICE.

(FROM 1879 TO 1886 INCLUSIVE.)

Ordered by the Legislative Assembly to be printed, 21 September, 1887.

RETURN (*in part*) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 16th March, 1887, That there be laid upon the Table of this House, a Return showing,—

- “(1.) The number of persons appointed to the Civil Service of the Colony, permanently and temporarily, during the time Sir Alexander Stuart held office, such Return to include railway porters and all appointments.
“(2.) The like whilst Mr. Dibbs’s Government was in office.
“(3.) The like whilst Sir Patrick Jennings’s Government was in office.
“(4.) The like whilst the last previous Parkes Government was in office.
“(5.) And the monthly and annual cost to the Colony in each case of all such appointments, and that such Return show the period of the existence of each Government.”

(Mr. McElhone.)

COLONIAL SECRETARY’S OFFICE.

No. of Persons Appointed.		Cost of Appointments in each case.		Ministry.	Duration of Ministry.
Permanently.	Temporarily.	Monthly.	Annual.		
2	.....	£ s. d. 25 0 0	£ s. d. 300 0 0	Sir Patrick Jennings’.	26 February, 1886, to 19 January, 1887.
.....	8 Clerks... ..	86 13 4	1,040 0 0	Sir Alexander Stuart’s.	5 January, 1883, to 6 October, 1885.
.....	5 Messengers ...	27 13 4	324 0 0	Mr. Dibbs’ ...	7 October, 1885, to 21 December, 1885.
.....	1 Clerk	8 6 8	100 0 0	Sir Henry Parkes’.	21 December, 1878, to 4 January, 1883.
1 Office-keeper ...	.....	4 6 8	52 0 0		
2 Clerks ... ..	.....	12 10 0	150 0 0		
.....	3 Clerks... ..	22 18 4	275 0 0		
.....	2 Messengers, &c.	72 3 4	866 0 0		

REGISTRAR-GENERAL’S DEPARTMENT.

Land Titles Office.

1	.....	.....	800 0 0	Sir Patrick Jennings’.	26 February, 1886, to 19 January, 1887.
1	.....	.....	700 0 0		
.....	1	.....	100 0 0		
2	.....	.....	50 0 0		

[805 copies—Approximate Cost of Printing (labour and material), £15 4s. 1d.]

Number of Persons Appointed.		Cost of Appointments in each case.		Ministry.	Duration of Ministry.
Permanently.	Temporarily.	Monthly.	Annual.		

REGISTRAR-GENERAL'S DEPARTMENT—*continued.**Deeds Branch.*

.....	1	75 0 0	Sir Patrick Jennings'	26 February, 1886, to 19 January, 1887.
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Land Titles Office.

		£ s. d.	£ s. d.		
1	350 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1	.....	.....	150 0 0		
2	.....	.....	100 0 0		
1	.....	.....	75 0 0		
1	.....	.....	50 0 0		

Deeds Branch.

3	.....	.....	50 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1	.....	.....	100 0 0		
.....	1	.....	100 0 0		

Statistical Branch.

1*	.....	.....	75 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1*	.....	.....	50 0 0		

* 1 General Statistics; 1 Vital Statistics.

Land Titles Office.

1	.....	.....	800 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
1	.....	.....	200 0 0		
1	.....	.....	150 0 0		
2	.....	.....	125 0 0		

CIVIL SERVICE BOARD.

.....	2*	0 12 6	.....	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
5	.....	.....	1,185 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
.....	5†	0 12 6	.....	
.....	1‡	.....	225 0 0		

* Temporary Clerks, employed in the aggregate for 47 days, at 12s. 6d. per day. Total cost, £ 9 7s. 6d. † Temporary Clerks, employed in the aggregate for 336 days, at a total cost of £210. ‡ Transferred to Statist Branch, Registrar-General's Department.

METROPOLITAN FIRE BRIGADES.

1	.....	20 0 0*	240 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1	.....	45 16 8*	550 0 0		
.....	1	12 10 0†	150 0 0		

* Not including deduction. † No deduction.

AUDITOR-GENERAL'S DEPARTMENT.

.....	4	22 10 0	270 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
5	.....	56 5 0	675 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
.....	9	43 15 0	525 0 0		
.....	1	4 3 4	50 0 0	Mr. Dibbs' ...	7 October, 1885, to 21 December, 1885.
.....	25	155 14 7	1,868 15 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.

IMMIGRATION DEPARTMENT.

.....	1	10 8 4	125 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
.....	1	11 5 0	135 0 0		

No. of Persons Appointed.		Cost of Appointment in each case.		Ministry.	Duration of Ministry.		
Office.	Occupant.	Monthly.	Annual.				
MEDICAL DEPARTMENT.							
<i>Permanent.</i>							
Govt. Med. Officer, Sydney.	Dr. W. E. Strong	£ 650 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.		
Clerk	C. Simms	.....	120 0 0			
Med. Supt., Coast Hospital.	Dr. W. Pierce	.....	400 0 0			
Dispenser, P'matta	G. Cunynghame	.....	240 0 0			
Ass. Med. Officer, Coast Hospital.	Dr. E. G. Blaxland	.....	200 0 0			
<i>Temporary.</i>							
Clerk	E. M. Burrowes	£2 2s. $\frac{1}{2}$ week	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.		
Ass. Med. Officer, Coast Hospital.	Dr. W. Peirce	.....	250 0 0			
Do	Dr. E. G. Blaxland	.....	250 0 0			
Acting Dispenser, Coast Hospital.	R. E. Smith	.....	120 0 0			
<i>Permanent.</i>							
Medical Adviser...	Dr. H. N. MacLaurin.	400 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.		
Deputy Medical Adviser.	Dr. Ashburton-Thompson.	.....	200 0 0			
Secretary... ..	Edmund Sager...	.....	75 0 0			
Visiting Surgeon, Mudgee Gaol.	Dr. C. Swanston	.....	50 0 0			
Do Maitland Gaol	Dr. R. G. Alcorn	.....	70 0 0			
Do Yass Gaol ...	Dr. A. K. Hoets	.....	40 0 0			
Dispenser, Maitland Gaol.	Wm. Spink	.....	100 0 0			
Head Nurse, Coast Hospital.	Jane McCready	.....	75 0 0			
Do	M. A. Fairburn	.....	75 0 0			
Matron, C. Hsptl.	M. A. Fairburn	.....	100 0 0			
Med. Supt., Coast Hospital.	Dr. W. B. Violette	.....	500 0 0			
Do	Dr. F. M. Smith	.....	500 0 0			
Dispenser & Store-keeper, Coast Hospital.	R. B. Sibley	.....	100 0 0			
Do	B. W. G. Heyelmann.	.....	100 0 0			
Dispenser, Bathurst Gaol.	H. H. Sutherland	.....	100 0 0			
Dispenser, Goulburn Gaol.	H. H. Hollis	.....	100 0 0			
Ophthalmic Surg. to Govt. Asylums.	Dr. T. C. Morgan	.....	200 0 0			
<i>Temporary.</i>							
Clerk	T. B. Adams	100 0 0			Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
Do	G. W. Whatmore	.....	52 0 0			
Do	F. Bassett	.....	52 0 0			
<i>Permanent.</i>							
Govt. Med. Officer for Parramatta.	Dr. C. P. Rowling	650 0 0	Mr. Dibbs'.	7 October, 1885, to 21 December, 1885.		
Matron, C. Hsptl.	M. D. Farquhason	.....	100 0 0			
Medical Adviser...	C. K. Mackellar	400 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.		
Vis. Sur., Shaftesbury Reformatory	Dr. M. J. O'Connor.	.....	100 0 0			
Vis. Sur., Asylums	Dr. C. E. Rowling	.....	150 0 0			
Visiting Surgeon, Tamworth Gaol.	Dr. P. H. White	.....	40 0 0			
Do Grafton Gaol	Robt. Purdie	.....	40 0 0			
Do Mudgee Gaol	Dr. J. L. Newton	.....	40 0 0			
Dispenser, S. Gaol	T. Stapleton	.....	150 0 0			
Do Parramatta Gaol and Asylum.	Geo. Cunynghame	.....	150 0 0			

No. of Persons Appointed.		Cost of Appointments in each case.		Ministry.	Duration of Ministry.
Permanently.	Temporarily.	Monthly.	Annual.		
POLICE DEPARTMENT.					
		£ s. d.	£ s. d.		
1	.....	10 8 4	125 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1	.....	6 13 4	80 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
1	.....	6 5 0	75 0 0		
1	.....	10 8 4	125 0 0		
1	.....	10 8 4	125 0 0		
BOTANIC GARDENS.					
.....	1	10 16 8	130 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
.....	1	10 13 4	128 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1	.....	12 10 0	150 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
1	.....	12 10 0	150 0 0		
1	.....	12 10 0	150 0 0		
1	.....	12 10 0	150 0 0		
.....	1	10 0 0	120 0 0		
DEPARTMENT OF CITY OF SYDNEY IMPROVEMENT BOARD.					
.....	1	.....	150 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
1	.....	.....	150 0 0		
NOTE.—The total number of persons is not two, but one, as the permanent appointment was a subsequent confirmation of that made temporarily.					
ABORIGINES PROTECTORATE.					
1	.....	.....	200 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
INSPECTOR OF PUBLIC CHARITIES.					
W. L. Hilliard* ...	.....	14 3 4	170 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
.....	J. F. Porter† ...	10 0 0	120 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
S. E. Treseder‡ ...	.....	16 13 4	200 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
Do § ...	.....	8 6 8	100 0 0		
* On 1 June, 1886. † Was appointed 31 August, 1886, to supply the place of Mr. Treseder, and subsequently of Mr. Hilliard, who were absent on leave through illness, under medical certificates. ‡ Transferred from office of the Manager, Government Asylums. Appointed to office of Inspector of Public Charities by letter dated 7 June, 1883. § Was appointed December, 1881, to the office of the Manager, Government Asylums, and transferred to that of the Inspector of Public Charities on 7 June 1883.					
STATE CHILDREN'S RELIEF DEPARTMENT.					
3	2	61 11 8	739 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
2	1	74 3 4	890 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
FISHERIES DEPARTMENT.					
C. H. Otway ...	.....	12 10 0	150 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
Jas. Massingham... ..	.....	9 0 0	108 0 0		
.....	G. F. Hainsworth	10/- per day	156 10 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
E. J. Ellis ...	.....	20 16 8	250 0 0		
W. Boyd ...	.....	10 13 4	128 0 0		
J. D. Grant ...	.....	10 13 4	128 0 0		
J. C. White ...	.....	12 10 0	150 0 0		
O. Wilshire ...	.....	1 13 4	20 0 0		
B. Russell ...	.....	1 13 4	20 0 0		
A. Sutherland ...	.....	1 13 4	20 0 0		
A. H. Kendall ...	.....	1 13 4	20 0 0		
T. Laman, jun. ...	.....	1 13 4	20 0 0		
A. T. Black ...	.....	1 13 4	20 0 0		
W. Simpson ...	.....	1 13 4	20 0 0		
F. Nelson ...	.....	1 13 4	20 0 0		
F. G. Young ...	.....	10 0 0	120 0 0		
F. Aldrich ...	.....	9 0 0	108 0 0		
H. W. C. Windeyer ...	.....	9 0 0	108 0 0		
J. F. Hespe ...	.....	9 0 0	108 0 0		
W. N. Cain ...	.....	9 0 0	103 0 0		
D. W. Benson ...	.....	9 0 0	108 0 0		
.....	E. Cox ...	10/- per day	156 10 0		
.....	E. A. M. Dick ...	10/- per day	156 10 0		
.....	T. M'Kenzie ...	10/- per day	156 10 0		
.....	W. A. Trengrouse	10/- per day	156 10 0		
.....	A. Reid ...	10/- per day	156 10 0		
.....	L. G. Mann ...	10/- per day	156 10 0		
.....	J. D. Delany ...	10/- per day	156 10 0		
.....	H. LeMesurier ...	16 13 4	200 0 0		
.....	C. D. St. Pinnock	16 13 4	200 0 0		

No. of Persons Appointed.		Cost of Appointments in each case.		Ministry.	Duration of Ministry.
Permanently.	Temporarily.	Monthly.	Annual.		

FISHERIES DEPARTMENT—continued.

		£ s. d.	£ s. d.		
.....	L. F. Mann ...	10/- per day	156 10 0	Mr. Dibbs' ...	7 October, 1885, to
.....	W. D. Campbell	10/- per day	156 10 0		21 December, 1885.
.....	H. Langley ...	10/- per day	156 10 0		
.....	A. Armstrong ...	10/- per day	156 10 0		
.....	G. F. Hainsworth	Writing descriptions of oyster leases at 6d. per copy.			
L. G. Thompson...	.....	33 6 8	400 0 0	Sir Henry Parkes'.	21 December, 1878, to
J. O'Grady ...	.....	4 3 4	50 0 0		4 January, 1883.
T. Temperley ...	.....	16 13 4	200 0 0		
J. Quinan ...	.....	16 13 4	200 0 0		
G. G. Benson ...	.....	16 13 4	200 0 0		
T. Mulhall ...	.....	12 10 0	150 0 0		
A. Gyler ...	.....	12 10 0	150 0 0		
H. Curan ...	.....	12 10 0	150 0 0		
P. Smith ...	.....	12 10 0	150 0 0		
C. Gordon ...	.....	12 10 0	150 0 0		
F. W. Smithers ...	.....	12 10 0	150 0 0		
R. Seymour ...	.....	1 13 4	20 0 0		
W. M'Gregor ...	.....	1 13 4	20 0 0		
J. A. Jamieson ...	.....	1 13 4	20 0 0		
T. Stewart ...	.....	1 13 4	20 0 0		
W. J. Whaites ...	.....	1 13 4	20 0 0		
R. Hellings ...	.....	9 0 0	108 0 0		
G. Glading ...	.....	9 0 0	108 0 0		
W. Lannen ...	.....	8 13 4	104 0 0		
E. A. Kingsford ...	.....	1 13 4	20 0 0		

MANAGER OF THE GOVERNMENT ASYLUMS.

1	.....	.....	450 0 0	Sir Patrick Jennings'.	26 February, 1886, to
1	.....	.....	200 0 0		19 January, 1887.
.....	1	.....	150 0 0		
.....	1	13 0 0	.....	
2	1	.....	100 0 0	Sir Alexander Stuart's.	5 January, 1883, to
1	.....	.....	200 0 0		6 October, 1885.
.....	1	.....	75 0 0		
1	.....	.....	675 0 0	Mr. Dibbs' ...	7 October, 1885, to
1	.....	.....	250 0 0		21 December, 1885.
1	.....	10 0 0	.....	
3	.....	.....	50 0 0	Sir Henry Parkes'.	21 December, 1878, to
1	.....	.....	100 0 0		4 January, 1883.
1	.....	.....	350 0 0		
1	.....	.....	200 0 0		
1	2	.....	100 0 0		

STATISTICIAN'S DEPARTMENT.

1*	.....	68 15 0	825 0 0	Sir Patrick Jennings'.	26 February, 1886, to
.....	2†	‡26 13 4	320 0 0		19 January, 1887.
.....	1†	(each) 20 16 8	250 0 0		
.....	1†	§18 15 0	225 0 0		
.....	1†	¶4 3 4	50 0 0		
.....	1†	¶¶8 6 8	100 0 0		

* Transferred from Public Works Department, Harbours and Rivers Branch.
 † One transferred from Survey Office; one formerly Associate to Sir Geo. L. Innes.
 ‡ Transferred from Colonial Secretary's Office. ¶ Messenger.

† Temporary, in the sense of being not yet gazetted.
 ‡ Transferred from Civil Service Board. § Transferred

MASTER-IN-LUNACY.

.....	1	10 0 0	120 0 0	Sir Patrick Jennings'.	26 February, 1886, to
1	.....	.....	250 0 0	Sir Alexander Stuart's.	19 January, 1887.
1	.....	.....	240 0 0	Mr. Dibbs' ...	5 January, 1883, to
1 (Master) ...	.....	.....	250 0 0		6 October, 1885.
1	.....	.....	400 0 0	Sir Henry Parkes'.	7 October, 1885, to
1	.....	.....	250 0 0		21 December, 1885.
1	.....	.....	150 0 0		21 December, 1878, to
					4 January, 1883.

No. of Persons Appointed.		Cost of Appointments in each case.		Ministry.	Duration of Ministry.
Permanently.	Temporarily.	Monthly.	Annual.		
HOSPITAL FOR THE INSANE, GLADESVILLE.					
		£ s. d.	£ s. d.		
1	12 3 4	146 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
2	16 13 4	200 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
16*	111 6 8	1,336 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
* Opening of new buildings at Hill Branch, Hospital for the Insane, Gladesville.					
HOSPITAL FOR THE INSANE, PARRAMATTA.					
1	4 3 4	50 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
1	4 3 4	50 0 0		
1	5 0 0	60 0 0		
1	8 6 8	100 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
HOSPITAL FOR THE INSANE, CALLAN PARK.					
5	6 0 0	72 0 0	Sir Patrick Jennings'.	26 February, 1886, to 19 January, 1887.
4	3 6 8	40 0 0		
1	31 5 0	375 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.
1	25 0 0	300 0 0		
1	11 13 4	140 0 0		
1	12 10 0	150 0 0		
1	8 10 0	102 0 0		
1	7 0 0	84 0 0		
22	6 0 0	72 0 0		
3	5 0 0	60 0 0		
1	4 3 4	50 0 0		
10	3 16 8	46 0 0		
2	3 6 8	40 0 0		
1	10/- per day.	182 10 0		
1	8/- "	146 0 0		
1	6 0 0	72 0 0	Mr. Dibbs' ...	7 October, 1885, to 21 December, 1885.
9	6 0 0	72 0 0	Sir Henry Parkes'.	21 December, 1878, to 4 January, 1883.
1	3 16 8	46 0 0		
1	7/- per day.	127 15 0		
1	6/- "	109 10 0		
RECEPTION HOUSE FOR THE INSANE, DARLINGHURST.					
Night attendant...	7 10 0	90 0 0	Sir Alexander Stuart's.	5 January, 1883, to 6 October, 1885.

RETURN showing the number of persons appointed to the Survey Branch, Department of Lands, permanently and temporarily, during the time Sir Alexander Stuart held office; also the monthly and annual cost to the Colony of such appointments. 2nd. The like respecting appointments made by the Governments of Mr. Dibbs, Sir John Robertson, Sir Patrick Jennings, and the last previous Parkes Government.

Number of Ministry.	Ministry, and period of existence.	Number of Appointments.	Monthly cost.	Annual cost.
19	SIR HENRY PARKES, from 21 Dec., 1878, to 4th Jan., 1883—four years and fifteen days.	305	£ s. d. 3,068 18 1	£ s. d. 36,826 17 1
20	SIR ALEXANDER STUART, from 5th Jan., 1883, to 6th Oct., 1885—two years nine months one day.	190	1,992 12 7	23,911 11 10
21	MR. G. R. DIBBS, from 7th Oct., 1885, to 21st Dec., 1885—two months fifteen days.	1	6 10 5	78 5 0
22	SIR JOHN ROBERTSON, from 22nd Dec., 1885, to 25th Feb., 1886—two months four days.	1	13 0 10	156 10 0
23	SIR PATRICK JENNINGS, from 26th Feb., 1886, to 19th Jan., 1887—eleven months twenty-four days.	20	200 4 3	2,402 11 0

RETURN to an Order of the Legislative Assembly, showing—(1) The number of persons appointed to the Crown Solicitor's Office during the time Sir Alexander Stuart held office; (2) The like whilst Mr. Dibbs' Government was in office; (3) The like whilst Sir Patrick Jennings' Government was in office; (4) The like whilst the previous Parkes Government was in office; (5) And the monthly and annual cost to the Colony in each case of all such appointments, and the period of existence of each Government.

Government.	Period.	Period of existence of Government.		Appointments.		Monthly Cost.	Annual Cost.
		From	To	Permanent.	Temporary.		
Sir Henry Parkes	4 years	December, 1878	January, 1883	Three .....	.....	£ s. d. 25 0 0	£ s. d. 300 0 0
Sir Alex. Stuart.....	2 years and 9 months.	January, 1883	October, 1885	Five .....	.....	{ 12 10 0 6 5 0 4 3 4	{ 150 0 0 75 0 0 50 0 0
Mr. Dibbs	2 months	October, 1885	December, 1885	Nil .....	.....	.....	.....
Sir Patrick Jennings....	11 months.....	February, 1886	January, 1887	One	{	25 0 0 14 3 4	300 0 0 *127 10 0

* For 9 months only, during absence on leave of J. J. Lee.

RETURN to an Order of the Legislative Assembly, showing—(1) The number of persons appointed to offices in the Attorney-General's Department during the time Sir A. Stuart held office; (2) The like whilst Mr. Dibbs' Government was in office; (3) The like whilst Sir P. Jennings' Government was in office; (4) The like whilst the last previous Parkes Government was in office; (5) And the monthly and annual cost to the Colony in each case of all such appointments, and the period of existence of each Government.

Government.	Period of existence of Government.			Appointments.		Monthly Cost.	Annual Cost.
	From	To	Period.	Permanent.	Temporary.		
Sir Henry Parkes	December, 1878	January, 1883	4 years	Nil	Nil	£ s. d.	£ s. d.
Sir Alex. Stuart.....	January, 1883	October, 1885	2 years and 9 months.	One (for 5 months).	{	26 13 4	133 6 8*
Mr. Dibbs	October, 1885	December, 1885	2 months	Nil	Nil .....	.....	.....
Sir Patrick Jennings.....	February, 1886	January, 1887	11 months.....	Nil	Nil .....	.....	.....

* Salary for 5 months.

RETURN to an Order of the Legislative Assembly, showing—(1.) The number of persons appointed to offices in the Department of the Clerk of the Peace during the time Sir Alexander Stuart held office; (2.) The like whilst Mr. Dibbs' Government was in office; (3.) The like whilst Sir Patrick Jennings' Government was in office; (4.) The like whilst the last previous Parkes' Government was in office; (5.) And the monthly and annual cost to the Colony in each case of all such appointments, and the period of existence of each Government.

Government.	Period of existence of Government.			Appointments.		Monthly Cost.	Annual Cost.
	From	To	Period.	Permanent.	Temporary.		
Sir Henry Parkes	December, 1878	January, 1883	4 years	One .....	.....	£ s. d. 14 11 8	£ s. d. 175 0 0
Sir Alexander Stuart	January, 1883	October, 1885	{ 2 years 9 } { months ... }	Five .....	.....	79 13 4	956 0 0
Mr. Dibbs	October, 1885	December, 1885	2 months.....	Nil .....	.....	.....	.....
Sir Patrick Jennings.....	February, 1886	January, 1887	11 months.....	.....	One	10 8 0	124 16 0

PARLIAMENTARY DRAFTSMAN'S DEPARTMENT.

Nil.

RETURN

RETURN, in part, showing appointments to the Civil Service made by Sir Alexander Stuart's, Mr. Dibbs' and Sir Patrick Jennings' Governments, and also the previous Parkes Government, and monthly and annual cost to the Colony in each case of all such appointments.

Government.	Date.		Number of Appointments.
	From	To	
1. Sir Alexander Stuart	Jan. 3, 1883	Oct. 6, 1885	237 persons.
2. The Honorable G. R. Dibbs ..	Oct. 7, 1885	Dec. 21, 1885	14 persons.
3. Sir Patrick Jennings	Feb. 26, 1886	Jan. 19, 1887	59 persons.
4. Sir Henry Parkes	Dec. 21, 1878	Jan. 4, 1883	100 persons.

DEPARTMENT OF MINES.

PARTICULARS of 100 persons appointed to this Department during the Ministry of Sir Henry Parkes, viz., from 21 December, 1878, to 4 January, 1883.

Name.	Cost to the Colony.		Name.	Cost to the Colony.	
	Monthly.	Annually.		Monthly.	Annually.
J. A. M'Lennan	£ 2 1 8	£ 25 0 0	F. Leng	£ 4 3 4	£ 50 0 0
A. J. Fitzpatrick	2 1 8	25 0 0	G. Yeo	4 3 4	50 0 0
J. A. E. Nash	2 1 8	25 0 0	F. W. Hawkins	25 0 0	300 0 0
W. Stack	13 0 10	156 10 0	J. J. Robertson	25 0 0	300 0 0
E. P. Mayes	16 13 4	200 0 0	A. Bayliss	4 3 4	50 0 0
G. H. Greville	16 13 4	200 0 0	G. F. D. Wainwright	8 6 8	100 0 0
H. D. Mackworth	25 0 0	300 0 0	H. J. Aylward	8 6 8	100 0 0
L. Young	25 0 0	300 0 0	A. J. Viles	8 6 8	100 0 0
M. Schneider	7 16 6	93 18 0	C. H. G. Emery	18 15 0	225 0 0
J. E. Carne	7 16 6	93 18 0	J. W. Windridge	18 15 0	225 0 0
J. H. Balmain	16 13 4	200 0 0	G. H. S. King	18 15 0	225 0 0
A. Adams	8 6 8	100 0 0	T. White	13 0 10	156 10 0
C. H. Bennett	8 6 8	100 0 0	G. R. Brown	16 13 4	200 0 0
J. S. Allen	16 13 4	200 0 0	W. H. Davies	16 13 4	200 0 0
J. H. Griffin	16 13 4	200 0 0	E. J. Deverell	16 13 4	200 0 0
E. Higgins	16 13 4	200 0 0	P. M. Evans	16 13 4	200 0 0
F. W. Wilson	8 6 8	100 0 0	F. P. Huxham	16 13 4	200 0 0
C. A. York	8 6 8	100 0 0	J. Martin	16 13 4	200 0 0
H. Gilliatt	33 6 8	400 0 0	M. Meredith	16 13 4	200 0 0
R. G. Dulhunty	20 16 8	250 0 0	R. L. Siddons	16 13 4	200 0 0
C. S. Bransby	13 0 10	156 10 0	G. W. Scott	16 13 4	200 0 0
H. S. Nicholson	8 6 8	100 0 0	J. S. Taylor	16 13 4	200 0 0
H. K. Carne	8 6 8	100 0 0	G. W. West	16 13 4	200 0 0
J. B. Ryall	8 6 8	100 0 0	H. O. Rotton	8 6 8	100 0 0
L. E. Thomas	4 3 4	50 0 0	T. B. Carne	25 0 0	300 0 0
R. D. Jones	20 16 8	250 0 0	J. M'Leod, junr.	25 0 0	300 0 0
A. Mackir	20 16 8	250 0 0	W. M'Donald	25 0 0	300 0 0
J. S. Cunningham	20 16 8	250 0 0	James Cotton	20 16 8	250 0 0
W. C. Finch	20 16 8	250 0 0	C. Hudson	20 16 8	250 0 0
M. J. St. Clair	20 16 8	250 0 0	J. T. Lee	25 0 0	300 0 0
T. Bawden	4 3 4	50 0 0	P. R. Brett	20 16 8	250 0 0
D. L. Mackenzie	20 16 8	250 0 0	J. W. Raymond	29 3 4	350 0 0
W. G. Elwin	20 16 8	250 0 0	H. P. Richardson	25 0 0	300 0 0
J. R. Doyle	20 16 8	250 0 0	D. Brown	25 0 0	300 0 0
J. F. Turner	20 16 8	250 0 0	F. G. Casey	16 13 4	200 0 0
E. Macdermott	13 0 10	156 10 0	W. B. Henderson	37 10 0	450 0 0
J. Hansen	26 0 0	312 0 0	R. Dalrymple	16 13 4	200 0 0
J. F. C. Goodridge	4 3 4	50 0 0	W. Drake	13 0 10	156 10 0
T. Ilbery	26 0 0	312 0 0	C. Stevens	2 10 0	30 0 0
H. Y. L. Brown	25 0 0	300 0 0	J. Robbins	2 10 0	30 0 0
S. W. Daniel	13 0 10	156 10 0	C. Rainbow	12 3 4	14 5 0 0
G. A. Daniel	13 0 10	156 10 0	J. Irwin	8 14 11	104 18 9
W. Pinner	13 0 10	156 10 0	J. Mulway	9 17 9	118 12 6
J. R. Bell	13 0 10	156 10 0	H. Ling	8 6 8	100 0 0
R. F. G. Canning	20 16 8	250 0 0	C. Hildebrandt	8 6 8	100 0 0
E. Lupton	6 5 0	75 0 0	F. J. Wilson	4 3 4	50 0 0
F. Isler	13 0 10	156 10 0	T. W. E. David	25 0 0	300 0 0
J. Victor	13 0 10	156 10 0	J. Dixon	25 0 0	300 0 0
E. N. Lack	13 0 10	156 10 0	J. T. Tresilian	2 1 8	25 0 0
W. C. Hinwood	4 3 4	50 0 0	G. P. Keon	2 1 8	25 0 0

PARTICULARS of 14 persons appointed during the Ministry of the Honorable G. R. Dibbs, viz.,
from 7th October, 1885, to 21st December, 1885.

Name.	Cost to the Colony.		Name.	Cost to the Colony.	
	Monthly.	Annually.		Monthly.	Annually.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
W. E. O'Brien ...	4 3 4	50 0 0	J. P. Malarkey ...	10 12 11	127 15 0
E. H. Dawson ...	25 0 0	300 0 0	E. G. Hodgson ...	10 12 11	127 15 0
J. T. Gray ...	25 0 0	300 0 0	G. Tretheway ...	10 12 11	127 15 0
J. E. Walker ...	25 0 0	300 0 0	C. Currie ...	15 4 2	182 10 0
J. Barling ...	25 0 0	300 0 0	A. Levey ...	15 4 2	182 10 0
C. Hobart ...	16 13 4	200 0 0	W. Briggs ...	4 11 3	54 15 0
J. S. Leigh ...	13 0 0	156 0 0	P. O'Toole ...	9 2 6	109 10 0

PARTICULARS of 237 persons appointed during the Ministry of the late Sir Alexander Stuart, viz.,
from 5th January, 1883, to 6th October, 1885.

Name.	Cost to the Colony.		Name.	Cost to the Colony.	
	Monthly.	Annually.		Monthly.	Annually.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
R. W. H. Stone ...	10 8 4	125 0 0	C. A. Hinton ...	25 0 0	300 0 0
W. A. Mahony ...	9 15 7	117 7 6	C. B. Dwyer ...	25 0 0	300 0 0
W. H. Sager ...	13 0 10	156 10 0	J. B. Gooch ...	25 0 0	300 0 0
F. S. R. Hunt ...	6 5 0	75 0 0	K. H. Bennett ...	25 0 0	300 0 0
H. R. Whittell ...	16 13 4	200 0 0	J. B. Battley ...	25 0 0	300 0 0
J. T. Smiles ...	16 13 4	200 0 0	W. Fraser ...	25 0 0	300 0 0
S. Bowles ...	16 13 4	200 0 0	W. H. Birt ...	25 0 0	300 0 0
J. Seaver ...	25 0 0	300 0 0	G. S. M. Grant ...	25 0 0	300 0 0
J. Rowan ...	20 16 8	250 0 0	C. H. Battye ...	25 0 0	300 0 0
H. R. Ormiston ...	2 1 8	25 0 0	E. Brady ...	25 0 0	300 0 0
W. Davis ...	10 8 4	125 0 0	G. H. Officer ...	25 0 0	300 0 0
T. Freeman ...	12 10 0	150 0 0	C. Lyne ...	25 0 0	300 0 0
J. Guilfoyle ...	16 13 4	200 0 0	S. Wiseman ...	25 0 0	300 0 0
P. H. Cullen ...	16 13 4	200 0 0	A. M. Giles ...	25 0 0	300 0 0
E. Cobercroft ...	16 13 4	200 0 0	E. A. Smith ...	25 0 0	300 0 0
T. Kidston ...	16 13 4	200 0 0	J. M'Maugh ...	25 0 0	300 0 0
W. Mecham ...	16 13 4	200 0 0	C. W. Church ...	25 0 0	300 0 0
H. S. Shadforth ...	16 13 4	200 0 0	R. Weaver ...	25 0 0	300 0 0
J. S. Cheesebrough ...	16 13 4	200 0 0	J. J. Croaker ...	25 0 0	300 0 0
W. Cousins ...	12 10 0	150 0 0	C. Allen ...	25 0 0	300 0 0
R. Davidson ...	12 10 0	150 0 0	R. W. Gaden ...	25 0 0	300 0 0
G. King ...	12 10 0	150 0 0	J. E. Lewis ...	16 13 4	200 0 0
W. M'Donald ...	12 10 0	150 0 0	P. J. Coghlan ...	9 15 7	117 7 6
F. E. Bruncker ...	12 10 0	150 0 0	T. C. Murphy ...	13 0 10	156 10 0
H. D. Wood ...	6 5 0	75 0 0	J. E. Higgins ...	9 15 7	117 7 6
T. F. C. Binny ...	6 5 0	75 0 0	C. W. Dargin ...	13 0 10	156 10 0
T. A. Brereton ...	13 0 10	156 10 0	H. U. Hillyar ...	13 0 10	156 10 0
T. H. Myring ...	13 0 10	156 10 0	F. Little ...	13 0 10	156 10 0
A. Sedgwick ...	6 5 0	75 0 0	C. Chancellor ...	16 13 4	200 0 0
J. Mallon ...	20 16 8	250 0 0	W. H. Christie ...	10 8 4	125 0 0
H. L. Mater ...	12 10 0	150 0 0	P. J. Byrne ...	10 8 4	125 0 0
W. J. Elworthy ...	20 16 8	250 0 0	C. H. Morgan ...	13 0 10	156 10 0
A. Willows ...	20 16 8	250 0 0	W. J. Chissell ...	13 0 10	156 10 0
D. A. Morgan ...	29 3 4	350 0 0	G. Moss ...	13 0 10	156 10 0
L. Morris ...	6 10 0	78 0 0	W. B. Fitzgerald ...	6 5 0	75 0 0
J. Freeburn ...	9 3 4	110 0 0	W. Lloyd ...	6 5 0	75 0 0
T. Argent ...	13 0 10	156 10 0	M. M'Donald ...	Nil.	Nil.
W. S. Leigh ...	15 4 4	182 11 8	E. R. O'Connor ...	16 13 4	200 0 0
J. Strachan ...	25 0 0	300 0 0	W. Martin ...	16 13 4	200 0 0
F. N. Alldritt ...	25 0 0	300 0 0	T. W. Raymond ...	25 0 0	300 0 0
R. H. Clarence ...	25 0 0	300 0 0	A. H. Taylor ...	7 16 6	93 18 0
J. Phillips ...	25 0 0	300 0 0	T. Ford ...	7 16 6	93 18 0
T. Downing ...	25 0 0	300 0 0	A. E. Meads ...	10 8 4	125 0 0
D. M'K. Cameron ...	25 0 0	300 0 0	A. S. Podmore ...	13 0 10	156 10 0
A. R. West ...	25 0 0	300 0 0	T. H. B. M'Gee ...	16 13 4	200 0 0
W. R. Blackman ...	25 0 0	300 0 0	W. Byron ...	12 10 0	150 0 0
E. S. Russom ...	25 0 0	300 0 0	J. G. Postlethwaite ...	12 10 0	150 0 0
G. Broughton ...	25 0 0	300 0 0	A. Rudder ...	12 10 0	150 0 0
H. Ross ...	25 0 0	300 0 0	J. B. Bamford ...	13 0 10	156 10 0

PARTICULARS of persons appointed during the Ministry of the late Sir Alexander Stuart—*continued*.

Name.	Cost to the Colony.		Name.	Cost to the Colony.	
	Monthly.	Annually.		Monthly.	Annually.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
S. A. Myring ...	9 2 7	109 11 0	F. Allan ...	9 2 6	109 10 0
G. E. Mackay ...	29 3 4	350 0 0	W. R. Thomson ...	9 2 6	109 10 0
C. J. Vyner ...	20 16 8	250 0 0	W. Hart ...	12 3 4	146 0 0
G. S. Smith ...	20 16 8	250 0 0	J. M'Millan ...	12 3 4	146 0 0
S. Durham ...	20 16 8	250 0 0	G. M'Kay, jun. ...	19 0 3	228 2 6
R. W. Dawson ...	20 16 8	250 0 0	J. Marks ...	12 3 4	146 0 0
P. L. Smith ...	20 16 8	250 0 0	P. Welsh ...	12 3 4	146 0 0
G. H. Wallace ...	23 6 8	280 0 0	F. Baker ...	6 10 0	78 0 0
R. J. Gilman ...	23 6 8	280 0 0	F. Malarkey ...	9 17 8	118 12 6
W. Joachim ...	12 10 0	150 0 0	C. Hudson ...	6 10 0	78 0 0
A. Sharp ...	20 16 8	250 0 0	W. Egan ...	12 3 4	146 0 0
J. W. Brodie ...	12 10 0	150 0 0	G. Keys ...	15 4 2	182 10 0
E. Stanley ...	20 16 8	250 0 0	E. N. Dunne ...	10 12 11	127 15 0
C. Fenwick ...	16 13 4	200 0 0	G. Keegan ...	10 12 11	127 15 0
J. A. Falkner ...	9 3 4	110 0 0	John Norby ...	4 11 3	54 15 0
A. H. Everingham ...	9 3 4	110 0 0	A. Converst ...	10 12 11	127 15 0
J. S. M'Neil ...	13 0 10	156 10 0	J. Trewilla ...	10 12 11	127 15 0
John Denshire ...	13 0 10	156 10 0	D. Coull ...	10 12 11	127 15 0
J. Tuck ...	10 8 8	125 4 0	G. E. Keegan ...	10 12 11	127 15 0
G. Lucas ...	13 0 10	156 10 0	J. Searle ...	10 12 11	127 15 0
J. C. White ...	25 0 0	300 0 0	J. Turnbull ...	10 12 11	127 15 0
H. E. Vindin ...	25 0 0	300 0 0	D. Crichton ...	10 12 11	127 15 0
L. Hyland... ..	25 0 0	300 0 0	W. Grimmond ...	10 12 11	127 15 0
G. Day ...	25 0 0	300 0 0	J. Keegan... ..	12 3 4	146 0 0
W. J. Treasure ...	25 0 0	300 0 0	J. Murphy ...	10 12 11	127 15 0
M. T. Day... ..	25 0 0	300 0 0	J. Bridger... ..	10 12 11	127 15 0
A. S. Podmore ...	25 0 6	300 0 0	W. Mortimer ...	10 12 11	127 15 0
W. H. Tomlins ...	18 15 0	225 0 0	H. Preston ...	10 12 11	127 15 0
W. R. Stanley ...	16 13 4	200 0 0	R. Farrell ...	9 2 6	109 10 0
J. M. Walker ...	14 11 8	175 0 0	A. Lewis ...	4 11 3	54 15 0
J. Barry ...	13 0 10	156 10 0	T. Bourke... ..	4 11 3	54 15 0
E. A. Bailey ...	13 0 10	156 10 0	R. Dowling ...	2 5 8	27 7 6
H. York ...	4 3 4	50 0 0	T. Carne ...	12 3 4	146 0 0
C. Hanson... ..	4 3 4	50 0 0	W. H. Keast ...	15 4 2	182 10 0
J. W. Underwood... ..	13 0 10	156 10 0	T. Pollard ...	12 3 4	146 0 0
G. S. O'Halloran ...	13 0 10	156 10 0	J. Ross ...	15 4 2	182 10 0
J. F. Williams ...	13 0 10	156 10 0	W. S. Young ...	10 12 11	127 15 0
W. Gray ...	2 1 8	25 0 0	T. M. Buckland ...	15 4 2	182 10 0
J. Rowley... ..	16 13 4	200 0 0	G. Orange... ..	10 12 11	127 15 0
C. B. S. Russell ...	16 13 4	200 0 0	W. Pugh ...	6 0 0	72 0 0
G. Oom ...	16 13 4	200 0 0	R. A. Harnet ...	13 0 0	156 0 0
J. Thomas... ..	25 0 0	300 0 0	M. Smith ...	13 0 0	156 0 0
R. H. Cambage ...	25 0 0	300 0 0	P. C. Cantwell ...	13 0 0	156 0 0
E. G. Sewell ...	25 0 0	300 0 0	J. A. Commys ...	13 0 0	156 0 0
W. E. Harnett ...	25 0 0	300 0 0	G. E. M. Hunter... ..	13 0 0	156 0 0
A. W. J. Foster ...	25 0 0	300 0 0	B. Dickson ...	13 0 0	156 0 0
W. H. Lee ...	25 0 0	300 0 0	P. J. Walshe ...	13 0 0	156 0 0
H. W. Powell ...	17 1 8	300 0 0	F. W. King ...	13 0 0	156 0 0
R. W. George ...	13 0 10	156 10 0	R. Gracie ...	13 0 0	156 0 0
T. W. Medley ...	20 16 8	250 0 0	H. Denton ...	13 0 0	156 0 0
M. J. C. Tully ...	20 16 8	250 0 0	C. Strachan ...	13 0 0	156 0 0
D. M'Culloch ...	13 0 10	156 10 0	H. Evans ...	13 0 0	156 0 0
E. Cotching ...	25 0 0	300 0 0	G. S. Lisle ...	13 0 0	156 0 0
A. R. Torrens ...	25 0 0	300 0 0	M. W. Kelly ...	13 0 0	156 0 0
T. H. Elwin ...	16 13 4	200 0 0	J. Davey ...	8 9 6	101 14 6
R. Lindsay ...	16 13 4	200 0 0	T. Lowden... ..	7 11 8	91 0 0
J. S. Campbell ...	25 0 0	300 0 0	J. E. Nevin ...	13 0 0	156 0 0
A. J. Clarke ...	16 13 4	200 0 0	N. J. Walsh ...	8 6 8	100 0 0
C. C. Holding ...	16 13 4	200 0 0	E. Walsh ...	8 6 8	100 0 0
H. Ballantyne ...	13 0 10	156 10 0	P. Dwyer ...	8 6 8	100 0 0
J. R. Gorman ...	13 0 10	156 10 0	C. Brookes ...	2 10 0	30 0 0
W. M. Cooper ...	41 13 4	500 0 0	Mary Clark ...	2 10 0	30 0 0
D. Barnett ...	4 3 4	50 0 0	R. C. Spalding ...	13 0 10	156 10 0
G. Nicholls ...	9 2 6	109 10 0	G. J. Robinson ...	20 16 8	250 0 0
M. Griffin ...	11 8 2	136 17 6	J. Yeo ...	22 18 4	275 0 0
H. Jewell ...	9 2 6	109 10 0	E. G. Finch ...	22 18 4	275 0 0
John Shepherd ...	9 17 8	118 12 6	L. F. M'Dougall ...	10 8 8	125 4 0
John Adams ...	10 12 11	127 15 0	A. H. Mackenzie ...	16 13 4	200 0 0
George Weston ...	10 12 11	127 15 0	J. Bertram ...	25 0 0	300 0 0
D. F. Bray ...	9 17 9	118 12 6			

PARTICULARS of 59 persons appointed during the Ministry of Sir P. A. Jennings, viz., from 26th February, 1886, to 19th January, 1887.

Name.	Cost to the Colony.		Name.	Cost to the Colony.	
	Monthly.	Annually.		Monthly.	Annually.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
A. H. Ferris	4 3 4	50 0 0	J. Murray... ..	10 12 11	127 15 0
J. Wilks	16 13 4	200 0 0	J. Clyde	10 12 11	127 15 0
J. A. Gamaek	23 6 8	280 0 0	T. Hook	4 11 3	54 15 0
A. Welman	17 12 1	211 5 6	J. R. Barrett	12 3 4	146 0 0
J. Houseman	9 3 4	110 0 0	H. C. Smith	12 3 4	146 0 0
W. Coulter	12 10 0	150 0 0	R. Oxley	15 4 2	182 10 0
J. M'Coig	15 3 4	182 0 0	J. Jardine... ..	10 12 11	127 15 0
D. Grant	6 10 5	78 5 0	A. Bennett	9 2 6	109 10 0
J. Rourke	6 10 5	78 5 0	J. Scott	9 17 9	118 12 6
C. Hildebrandt, jun.	3 5 3	39 2 6	C. O'Brien	9 17 9	118 12 6
W. Anderson	25 0 0	300 0 0	G. Brown	10 12 11	127 15 0
G. A. Stonier	12 10 0	150 0 0	J. N. Smith	12 3 4	146 0 0
J. G. Turner	13 0 10	156 10 0	N. P. Lelliot	13 0 0	156 0 0
J. Phelan	4 3 4	50 0 0	D. Laing	13 0 0	156 0 0
J. Campbell	9 15 8	117 7 6	S. Leighton	10 12 11	127 15 0
W. S. L. Cooper	4 3 4	50 0 0	D. M'Lean	10 12 11	127 15 0
T. H. Sapsford	4 3 4	50 0 0	T. Cole	13 13 9	164 5 0
J. W. Windon	12 3 4	146 0 0	C. Wulff	12 3 4	146 0 0
F. Allan	12 3 4	146 0 0	M. O'Loughlan	12 3 4	146 0 0
J. Henderson	10 12 11	127 15 0	J. Ryan	18 5 0	219 0 0
S. Blakely... ..	7 12 11	91 5 0	S. Ireland	15 4 2	182 10 0
E. H. Porter	12 3 4	146 0 0	J. Murphy	11 8 1	136 17 6
A. Roberts	9 2 7	109 11 0	W. J. Cooke	18 5 0	219 0 0
J. D. Ferguson	10 12 11	127 15 0	T. N. Williams	13 0 10	156 10 0
T. Efford	10 12 11	127 15 0	W. Richardson	8 13 4	104 0 0
T. Kellick	12 3 4	146 0 0	H. Mead	8 13 4	104 0 0
A. M. Cavanagh	12 3 4	146 0 0	P. Nevin	7 11 8	91 0 0
G. Young	12 3 4	146 0 0	J. Lander	8 9 6	101 14 6
P. Bennett	6 10 0	78 0 0	W. G. Dowling	23 6 8	280 0 0
M. W. Kelly	12 3 4	146 0 0			

DEPARTMENT OF PUBLIC WORKS.

RETURN of Appointments made in the Department of Public Works. Prepared in pursuance of an Order of the Legislative Assembly, dated the 16th March, 1887.

Branch.	Parkes Government, 21st December, 1878, to 4th January, 1883.				Stuart Government, 4th January, 1883, to 6th October, 1885.				Dibbs Government, 7th October, 1885, to 21st December, 1885.				Jennings Government, 26th February, 1886, to 19th January, 1887.			
	Permanent.	Temporary.	Monthly Cost.	Annual Cost.	Permanent.	Temporary.	Monthly Cost.	Annual Cost.	Permanent.	Temporary.	Monthly Cost.	Annual Cost.	Permanent.	Temporary.	Monthly Cost.	Annual Cost.
Ministerial ...	1	..	£ s. d. 4 6 8	£ s. d. 52 0 0	5	..	£ s. d. 46 3 4	£ s. d. 554 0 0	..	..	£ s. d.	£ s. d. .....	..	..	£ s. d.	£ s. d.
Harbours and Rivers.	2	39	708 1 3	8,496 14 9	1	12	196 16 7	2,361 19 0	..	..	.....	.....	2	4	73 19 0	887 8 0
Roads and Bridges.	12	23	921 0 0	11,052 0 0	3	16	325 18 4	3,911 0 0	..	..	.....	.....	1	6	49 0 0	583 0 0
(Sewerage)	5	..	151 16 8	1,822 0 0	5	3	149 10 0	1,794 0 0	..	..	.....	.....	..	1	45 16 8	550 0 0
Colonial Architect.	5	16	279 3 4	3,314 0 0	5	28	460 14 8	5,523 16 0	..	..	.....	.....	..	1	12 10 0	150 0 0
Railways	9,220		80,367 13 0	964,411 16 0	6,584		55,453 8 0	665,441 2 0	401		2,769 1 1	33,228.13 0	1,064		7,987 7 9	95,848 13 0

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CIVIL SERVICE.

(APPOINTMENTS MADE IN RAILWAY DEPARTMENT SINCE 1 JANUARY, 1887.)

Ordered by the Legislative Assembly to be printed, 16 December, 1887.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 4th October, 1887, That there be laid upon the Table of this House,—

“ A return showing the appointments (permanent and temporary) made in
“ the Railway Department since 1st January, 1887.”

(Mr. Lyne.)

RETURN showing the appointments (permanent and temporary) made to the Railway Department, from
1st January, 1887, to 30th September, 1887.

Branches, &c.	Number employed since 1st Jan., 1887.	Cost Monthly.	Cost Yearly.	Number left the Department or deceased since 1st Jan., 1887.	Miles of Railway and Tramway opened.
RAILWAYS.					
Head Office	1	£ s. d. 13 0 0	£ s. d. 156 0 0	2	
Traffic Audit.....	...	.....	.....	...
Stores	3	20 4 0	242 8 0	6	Hornsby to Hawkesbury River 14 62
Engineer for Existing Lines	382	3,498 6 4	41,979 16 0	578	Clifton to Wollongong 12 27
Locomotive Engineers.....	110	801 1 2	9,612 14 0	78	Gosford to Waratah 50 0
Traffic—South	39	187 8 4	2,249 0 0	76	Bungendore to Queanbeyan ... 17 32
Traffic—North	73	422 13 2	5,071 18 0	64	Cowra, from temporary to permanent station 3 1
Total Railways.....	608	4,942 13 0	59,311 16 0	804	Total..... 97 42
TRAMWAYS.					
Permanent Way	4	32 8 0	388 16 0	6	
Locomotive	67	626 16 4	7,521 16 0	25	Newcastle to Plattsburg 7 30
Traffic.....	4	33 10 0	402 0 0	34	Kogarah to Sans Souci 4 71
Total Tramways	75	692 14 4	8,312 12 0	65	Waverley to Randwick 1 30
Total Railways and Tramways	683	5,635 7 4	67,624 8 0	869	Bondi to Aquarium..... 0 30
					Total..... 14 1

NOTE.—608 men were employed from 1st January to 30th September, 1887, and 804 either deceased, left, or had their services dispensed with during the same period. A large number of those appointed were taken on from those who appear in the list as having had their services dispensed with. On 30th September, 1887, there were 196 men employed less on the Railway Branch than on 1st January, 1887, notwithstanding that 97½ additional miles of Railway and 14 miles of Tramway had been opened for traffic.

The total number of miles opened 31st December, 1886 = 1,889½ miles—average men per mile, 5.
“ “ “ 30th September, 1887 = 1,987 “ “ “ “ 4·68.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES,

CIVIL SERVICE.

(APPOINTMENT OF MR. JOSEPH BARLING, AS CHIEF CLERK, PUBLIC WORKS DEPARTMENT.)

Ordered by the Legislative Assembly to be printed, 15 November, 1887.

Mr. C. B. Airey to The Commissioner and Engineer-in-Chief.

Sir,

Department of Public Works, Roads under Trustees,

Sydney, 25 August, 1887.

Understanding that the position of Chief Clerk in the Ministerial Branch of this Department is likely to become vacant, I have the honor to apply for the office, and in support of my application would respectfully point out that for nearly five years I held the position of Record Clerk in that Branch, a portion of the time acting as Corresponding Clerk, being next in seniority to Mr. William Forde, the present Chief Clerk, and only left the office to take the position I now hold. I may perhaps be allowed to point out that in the event of the proposed Local Government Act becoming law my present office must inevitably be abolished. I trust my conduct whilst in your Department may have been such as to induce you to forward this letter to the Minister with your favourable recommendation on my behalf.

I have, &c.,

CHAS. B. AIREY,

Clerk in Charge, Roads under Trustees.

Mr. Airey has been five and a half years in this Department in charge of the Trustee Roads. When he joined all the business was in great arrears and confusion; he soon restored order, and got up arrears, and not alone kept up the duties of his own Branch, but took over other work, enabling us to dispense with other officers. Mr. Airey has also had much to do with interviewing the public on the duties of his office. Such work, as well as the clerical work, has been conducted in a most satisfactory manner.—W.C.B., 27/8/87. The Under Secretary for Public Works.

Submitted, 2 September, 1887.—J.R.

Mr. P. H. Flynn to The Commissioner and Engineer-in-Chief.

Sir,

Department of Public Works, Office of Commissioner and Engineer for Roads,

Sydney, 26 August, 1887.

As I understand that Mr. Forde, the Chief Clerk in the Public Works Office, intends retiring from that position, I have to apply for appointment to same when it becomes vacant. My long service in the Department (thirty years), five of which I have filled my present position of Chief Clerk, will, I trust, be considered sufficient proof of my qualifications for the appointment; and I trust that the manner in which I have discharged my duties and my length of service will be favourably considered when the appointment in question is being made.

I have, &c.,

P. H. FLYNN.

Mr. Flynn has been for twenty-three years in this Department as Accountant and Chief Clerk. During all that time he has been an able assiduous officer, working early and late, and keeping the complex machinery of the Department going smoothly, both in the field and office, and working harder than any man I know in his capacity either in or out of the Service. If from reasons of official convenience Mr. Flynn cannot get Mr. Forde's place, for which I think he is the senior applicant, he ought to receive that advancement in pay so long withheld, his present pay being less than that of any Chief Clerk in the Department.—W.C.B., 27/8/87. Under Secretary for Public Works.

Submitted, 2 September, 1887.—J.R.

Mr. W. H. Quodling to The Under Secretary for Public Works.

Sir,

Department of Public Works, Railway Branch,

Engineer-in-Chief's Office, Sydney, 1 September, 1887.

I have the honor to apply for the appointment of Chief Clerk in the Ministerial Branch of the Public Works Department, which has become vacant by the resignation of Mr. Forde.

In support of my claim for the position, I may state that I have for nearly thirty years had charge of the clerical branch of the Engineering Department under Mr. Whitton, the Engineer-in-Chief, and I can with confidence refer you to that gentleman for a certificate as to the manner in which I have discharged the onerous and responsible duties which devolved upon me during my long period of service.

I have, &c.,

W. H. QUODLING.

I recommend Mr. Quodling's application to the favourable consideration of the Minister. I shall greatly regret to lose Mr. Quodling's services in this Department, but as he has been with me for upwards of thirty years, and I have never been able to procure for him that advancement in the Public Service to which he has long been entitled, it will afford me much pleasure to hear that his present application has been successful. I know of no one in the Civil Service of this or any other Colony who has shown more zeal, energy, ability, or more self-sacrificing loyalty, than Mr. Quodling has exhibited for me and the Department under my control, and I know of no one who will discharge the duties of the office he now seeks more ably or faithfully.—JOHN WHITTON.

Respectfully resubmitted for reconsideration.—W.H.Q., 6/9/87.

Mr. J. M'Shane to The Colonial Architect.

Sir, Colonial Architect's Office, Sydney, 2 September, 1887.

I do myself the honor to request permission to apply for the chief clerkship in the Ministerial Office of the Public Works Department, which I hear is about to become vacant. I enclose my application, and trust to your kindness in supporting same.

I have, &c.,
JAMES M'SHANE,
Chief Clerk.

[Enclosure.]

Department of Public Works, Colonial Architect's Office,
Sydney, 2 September, 1887.

Sir, I do myself the honor to apply for the chief clerkship in your office, which I hear is about to become vacant. My service in the Government dates from June, 1859, which places me amongst the seniors on the clerical staff of the Public Works Department, and I have held my present position of Chief Clerk in the Colonial Architect's office for about ten years. Trusting you will, in forwarding this application to the Minister, recommend it for his favourable consideration.

I have, &c.,
JAMES M'SHANE.

Mr. M'Shane has long and faithfully performed the duties of Chief Clerk to the Colonial Architect's Department, and although I shall regret his removal, I gladly recommend him for the advancement to the office he seeks.—J.B., 2 September, 1887.

Submitted, 5/9/87.

Mr. J. Barling to The Under Secretary for Public Works.

Sir, Department of Public Works, Harbours and Rivers Branch,
Sydney, 3 September, 1887.

With the sanction of the Engineer-in-Chief for Harbours and Rivers, whose letter on the subject is enclosed, I do myself the honor respectfully to apply for the position of Chief Clerk of the Public Works Department, rendered vacant by the retirement of Mr. W. Forde.

Perhaps I may be relieved from entering into any statement as to my qualifications for the office, as I have had the advantage of being personally known to you as an officer of this Department for over twenty-seven years, and, I hope, not unfavourably; and I trust I may also venture to say the same with regard to the Hon. the Minister for Works.

It may not, however, be out of place to draw attention to the Minister's minute, which accompanied the Executive minute, conferring upon me my present appointment, a copy of which is enclosed,

I have, &c.,
J. BARLING.

[Enclosures.]

Department of Public Works, Harbours and Rivers Branch,
Sydney, 3 September, 1887.

Sir, Understanding that Mr. Forde is about to resign his present position, and that Mr. Barling, the Chief Clerk and Accountant of this Branch, is an applicant for the office, it is right that I should give expression to my opinion as to his fitness.

I now beg to state that, in my opinion, he is eminently qualified to fill it, or any other office in the non-professional permanent branch of the service; and having had over twenty-six years of daily intercourse with him, I am enabled to state that his talents are of the highest order, while his integrity, zeal, and attention to his duties are not to be surpassed.

I shall, of course, feel deeply the loss of Mr. Barling's assistance, if he should be transferred to the other place, but I cannot allow my own convenience to stand in the way of his advancement in the Service, which the contemplated change will probably lead to.

I have, &c.,
E. O. MORIARTY.

The Hon. the Minister for Works.

Ministerial Minute.

I THINK it due to Mr. Barling to place on record the high appreciation I entertain of his character as an officer of the Department, and the readiness with which he fell into my wishes in accepting the new appointment offered to him, which presented no great inducement, as, though the duties are more onerous and responsible, the salary is no greater than he was formerly receiving.

I have, accordingly, to express a hope that whatever change may take place in the Ministerial head of the Department, Mr. Barling's conduct in this instance may not be overlooked when the proper opportunity occurs, and that his voluntary acceptance of office in the Harbours and Rivers Branch, in the manner stated, will be no bar to his promotion in case of a vacancy in any other Branch of the Department.

22 August, 1871.

JAMES BYRNES.

Minute by The Under Secretary for Public Works.

Department of Public Works, Sydney, 5 September, 1887.

Filling up vacancy, Chief Clerk, Ministerial Branch.

A VACANCY having occurred in the office of Chief Clerk in the Ministerial Branch of this Department, by the retirement of Mr. Forde, in consequence of continued bad health, after a long period of faithful service, it has become necessary to fill up the vacancy.

With this end in view, I have received, and have the honor to submit, applications for the office from Mr. Flynn, Chief Clerk in the Roads Branch; Mr. Airey, Clerk in charge of the Roads under Trustees, in the same Branch; Mr. M'Shane, Chief Clerk in the Colonial Architect's Office; and Mr. Barling, Chief Clerk in the Harbours and Rivers Branch; with favourable testimonials on the applications from the heads of the respective branches.

While

While duly appreciating the justness of these testimonials, I have no hesitation in stating that, from my knowledge of the character and acquirements of the different applicants, I consider Mr. Barling, on the whole, as best qualified for the office, and I have much pleasure in recommending that he be appointed Chief Clerk in the Ministerial Branch of this Department, at the salary at present attached to the office.

JOHN RAE.

Forward to Civil Service Board.—J.S., 5/9/87.

With reference to Mr. Quodling's application for the office of Chief Clerk, vacant by the retirement of Mr. Forde, I feel it necessary to state that before forwarding to the Board my recommendation of the 3rd instant, I conferred with Mr. Quodling, as the officer of the longest service in the Department, and he having positively declined to apply for the position, as he preferred to remain in the office of Engineer-in-Chief for Railways, I recommended Mr. Barling, as the next in seniority of those whom I considered fit for the office. Subsequently, however, Mr. Quodling changed his mind, and sent in his application for the situation, but withdrew it on my reminding him of his refusal to apply for it, and my recommendation was forwarded to the Board. Mr. Quodling has now resubmitted his application, and though I agree with Mr. Whitton in the high estimate he has formed of Mr. Quodling's qualification, I feel justified, under the circumstances, in adhering to my recommendation in favour of Mr. Barling.—JOHN RAE, 8th September, 1887. The Secretary to the Civil Service Board.

The Civil Service Board request that this paper may be forwarded to Mr. Quodling for any observations that he may have to make.—E.W.P. The Under Secretary for Public Works, B.C., 12/9/87. Mr. Quodling accordingly.—J.R., B.C., 13/9/87. Report forwarded herewith.—W.H.Q., 15/9/87. John Rae, Esq.

Memorandum.

I MUCH regret that Mr. Rae has misunderstood my action with reference to the vacancy caused by Mr. Forde's resignation of the office of Chief Clerk in the Works Department.

A few months ago Mr. Rae informed me that Mr. Forde would have to retire from the Service, and asked me if I would apply for the appointment, very kindly stating that he would be pleased if I did so, as he considered that I was well qualified for the office.

I replied that before making any application I would like to consult Mr. Whitton, who was at the time unable to attend the office through ill-health; but I did not intend in any way to convey to Mr. Rae's mind the impression that I had no intention of applying for the appointment when it became vacant.

It was not until the afternoon of the 31st August that I was informed by Mr. Forde, to my great surprise, that he had applied to retire from the Service, and that it was his last day in the office.

As I felt a delicacy about applying for Mr. Forde's appointment until it had become vacant, I had refrained from taking any action in the matter until he had actually vacated his position, and on the day following the receipt of the above information, viz., 1st September, I made a written application for the vacant appointment, with Mr. Whitton's concurrence and recommendation.

Mr. Rae subsequently asked me to withdraw the application, as he stated that having been under the impression that I did not intend to apply for the appointment he had promised to recommend Mr. Barling for it, that the matter was virtually settled, and if my application were withdrawn it would relieve him from an embarrassing position.

I accordingly withdrew my application, but, by the advice of my friends, I resubmitted it, as they were of opinion that I had the strongest claim for the appointment, and that my name ought to be submitted for the consideration of the Government and the Civil Service Board.

In conclusion, I may be permitted to repeat the expression of my regret that any misunderstanding has occurred in this matter, which I can only attribute to the fact that I did not at the time show any eagerness about obtaining the appointment, and this was for two reasons—first, my disinclination to apply for the office before it was vacant; and secondly, that after thirty years' service with the Engineer-in-Chief I was naturally reluctant to sever the connection without his full and cordial concurrence.

W. H. QUODLING.

14 September, 1887.

The Secretary to the Civil Service Board.—J.R., B.C., 15/9/87.

Memo. by The Secretary, Civil Service Board.

Matter of Appointment of Chief Clerk in the Department of Public Works.

THE Civil Service Board having had before them the several applications (as particularised on the other side) for the vacancy caused by the retirement of Mr. W. Forde from the position of Chief Clerk in the Public Works Department, and having considered the respective lengths of service, degree of competency, and attainments of the applicants, beg to report the name of Mr. W. H. Quodling as that of the person, in their opinion, the best qualified for the vacancy.

E. W. PALMER,
Secretary, Civil Service Board.

The Under Secretary for Public Works, B.C., 15 September, 1887.

NAMES of Applicants:—

P. H. Flynn, Chief Clerk, Roads and Bridges Department—entered Service, 17 July, 1856 (31 years 2 months).

W. H. Quodling, Chief Clerk in the office of the Engineer-in-Chief for Railways—entered Service, 8 October, 1857 (29 years 11 months).

James M'Shane, Chief Clerk Colonial Architect's Office—entered Service, 18 June, 1859 (28 years 3 months).

Joseph Barling, Chief Clerk in the office of the Engineer-in-Chief for Harbours and Rivers—entered Service, 1 August, 1860 (27 years 2 months).

C. B. Airey, Clerk in charge of Roads under Trustees, Roads and Bridges Department—entered Service, 26 July, 1876 (11 years 2 months).

Submitted—J.R., 17/9/87.

Minute

Minute by The Secretary for Public Works.

Department of Public Works, Sydney, 24 October, 1887.

• Filling up of position of Chief Clerk in the Works Department.

I HAVE before me the recommendations of the Under Secretary for Works and the Civil Service Board touching the filling up of the position of the chief clerkship of the Works Department, rendered vacant by retirement of Mr. William Forde. The former recommends Mr. Barling, Chief Clerk and Accountant of the Harbours and Rivers Department, the latter Mr. Quodling, Chief Clerk in the Constructing Branch of the Railway Department.

I have now to consider which is the better qualified officer of the two to fill the vacant office, and I have no hesitation in selecting Mr. Barling. Mr. Quodling's experience has been wholly in connection with railways, while Mr. Barling has been in public works generally, especially those relating to water supply, which forms so large a part of Mr. Rae's department, as distinct from railways.

Both officers, in their respective offices, have rendered valuable service, and both are public servants of very long standing. It is not now a question of promotion for either, as I intend, in view of the urgent necessity for retrenchment, whenever an opportunity presents itself, to reduce the salary from £600 to £550, the rate it stood at before the Civil Service increments were added, and at this rate both Mr. Barling and Mr. Quodling are now paid.

I notice my predecessor recommended Mr. Barling for a higher position,* and in this I am disposed to concur when the opportunity occurs for carrying it into effect. I shall also be pleased to recommend Mr. Quodling for promotion in his Department when the right time comes, which may be soon.

JOHN SUTHERLAND.

Prepare minute for Executive.—J.R., 31/10/87.

Mr. Barling's appointment as Chief Clerk, Ministerial Branch.

WRITE to the Civil Service Board acknowledging the receipt of their minute recommending Mr. Quodling for the appointment, and inform them that Mr. Sutherland has given full consideration to their recommendation and that of the Under Secretary for Works, but under all the circumstances of the case, as disclosed in the papers submitted, he considers Mr. Barling best suited for the office, and has accordingly recommended him to the Executive at reduced salary of £550.—J.R.

Forward copy of Mr. Sutherland's minute on the subject.

The Secretary, Civil Service Board, 3/11/87.

The Under Secretary for Public Works to The Secretary to the Civil Service Board.

Sir,

Department of Public Works, Sydney, 3 November, 1887.

I am directed by the Secretary for Public Works to acknowledge the receipt of the minute of the Civil Service Board recommending the appointment of Mr. W. H. Quodling to the office of Chief Clerk in the Ministerial Branch of this Department, now vacant, consequent upon the retirement of Mr. Forde, and to inform you that Mr. Sutherland, after careful consideration of the minute in question of the recommendation of the Under Secretary for Public Works, and of the papers submitted to him bearing upon the case, is of opinion that under all the circumstances Mr. Joseph Barling is best suited for the office, and has recommended his appointment to the Executive at a reduced salary of £550 per annum.

By direction of the Minister, I forward herewith a copy of a minute made by him in which his reasons for making the appointment are set forth.

I have, &c.,

JOHN RAE.

Minute for the Executive Council.

Subject:—Appointment of Mr. Joseph Barling as Chief Clerk in the Ministerial Branch, Department of Public Works.

Department of Public Works, Sydney, 31 October, 1887.

A VACANCY having occurred in the office of Chief Clerk in the Ministerial Branch by the retirement of Mr. Forde, I have the honor to submit for the approval of His Excellency the Governor and the Executive Council the appointment of Mr. Joseph Barling, at present Chief Clerk in the Harbours and Rivers Branch of this Department, to the position of Chief Clerk in the Ministerial Branch, at the reduced salary of £550 per annum, the same rate as now received by him.

The appointment to take effect from the 1st proximo.

JOHN SUTHERLAND.

The Executive Council advise that the appointment herein recommended be approved.—A. C. BUDGE, Clerk of the Council. Min., 87-61, 1/11/87. Confirmed, 8/11/87. Approved.—CARRINGTON, 1/11/87. Inform Treasury and Mr. Barling,—J.R., 11/11/87. Treasury.—Mr. J. Barling, 11/11/87.

1887.

(THIRD SESSION.)

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

FEES RECEIVED BY CIVIL SERVANTS.

(RETURN OF, FOR YEARS 1883-4-5-6.)

Ordered by the Legislative Assembly to be printed, 29 November, 1887.

RETURN (*in part*) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 10th May, 1887, That there be laid upon the Table of this House, a Return showing,—

- “(1.) The total amount received as fees of office, or in any other way, by the Clerks of Petty Sessions at the Central Police Court, the Water Police Court, and all other Courts throughout the Colony, from all sources specifying the amounts received during each of the years 1883, 1884, 1885, and 1886, showing what the fees were received for, and if the fees, or any of them were received for work done during office hours.
- “(2.) The like as regards the fees received by every other person employed in the Civil Service of the Colony during each of the above years.
- “(3.) The like as regards the fees received by the Crown Solicitor during each of the above years, particularly specifying under different headings what the fees, from all sources paid to him, were paid for.
- “(4.) The like as regards the fees received by the different Attorneys-General from all sources during the years 1879, 1880, 1881, 1882, 1883, 1884, 1885, and 1886, giving the names of the different Attorneys-General who received such fees, specifying under different headings what the fees were received for.”

(*Mr. McElhone.*)

FEES RECEIVED BY CIVIL SERVANTS.

COLONIAL SECRETARY'S DEPARTMENT.
RETURN of fees received by Civil Servants.

Year	Name.	Office	Amount.	For what service.	Whether for work done during office hours	
REGISTRAR GENERAL.						
1883	E. G. Ward	Registrar-General ...	£ s. d. 143 15 0	Registration of Public Companies.	Yes.	
	J. B. Duff	Deputy Registrar-General.	131 5 0	do ..	Yes.	
1884	E. G. Ward	Registrar-General ...	37 10 0	do ..	Yes.	
1885	Nil.					
1886	Nil.					
INSPECTOR-GENERAL OF POLICE.						
1883	E. Fosbery	Inspector-General	104 0 0	Transit Commissioner... ..	The Inspector-General has never limited his work to office hours.	
	Do	do	34 13 0	Patent fees ...		
1884	E. Fosbery . . .	Inspector-General	104 0 0	Transit Commissioner		
	Do . . .	do	88 4 0	Patent fees		
1885	E. Fosbery	Inspector-General ..	104 0 0	Transit Commissioner		
	Do	do	103 19 0	Patent fees		
1886	E. Fosbery	Inspector-General . .	100 0 0	Transit Commissioner		
	Do	do	75 12 0	Patent fees		
CIVIL SERVICE BOARD.						
1885	Geoffrey Eagar ...	Under Secretary for Finance and Trade	100 0 0	As Chairman of the Civil Service Board.		
	John Williams	Crown Solicitor	100 0 0	As Member of the Civil Service Board		
	A. C. Fraser . . .	Clerk of the Peace .	100 0 0	do do		
	C. A. Goodchap ..	Commissioner for Railways	100 0 0	do do		
1886	Geoffrey Eagar	Under Secretary for Finance and Trade	100 0 0	As Chairman of the Civil Service Board.		
	John Williams...	Crown Solicitor	100 0 0	As Member of the Civil Service Board.		
	A. C. Fraser . . .	Clerk of the Peace	100 0 0	do do		
	C. A. Goodchap ...	Commissioner for Railways.	100 0 0	do do		
LUNACY, SUPREME COURT.						
1883	W. H. Hargraves.....	Chief Clerk	Under 10 0 0	Commissioner for affidavits	In connection with office work and after office hours.	
	Henry Edwards ..	Second Clerk	10 0 0	do and copying fees		
1884	Do	Do	10 0 0	do do		
1885	W. H. Hargraves (to 28 February).	Chief Clerk	1 0 0	do do		
	Henry Edwards (from 1 March).	Do ...	12 0 0	do do		
	F. Langstaff	Second Clerk	3 0 0	do do		
1886	Henry Edwards	Chief Clerk	12 0 0	do do		
	F. Langstaff.....	Second Clerk	5 0 0	Copying		
NOTE.—The fees payable to Commissioners for affidavits are authorized sec 37 Vic., No. 10 Fees for copying, by Rules of Court						
MEDICAL ADVISER.						
During 1883 and 1884 Dr. Rowling, who was not then a Civil Servant, received fees for similar services as those shown hereunder during 1885 and 1886.						
1885	Dr. C. E. Rowling ...	Government Medical Officer for Parramatta.	47 10 0	Vaccinations, <i>post mortem</i> examinations, and evidence in lunacy and at inquests.	Services performed as required.	
	Dr. F. M. Smith ..	Medical Superintendent, Coast Hospital	48 15 0	Certificates in lunacy and medical attendance on aboriginals.		
1886	Dr. F. M. Smith	do	18 6 0	do do		
	Dr. W. Peirce	do	19 3 0	do do		
	Dr. C. E. Rowling ...	Government Medical Officer, Parramatta	136 17 0	Vaccinations, <i>post mortem</i> examinations, and evidence in lunacy and inquest cases.		
	Dr. Ashburton Thompson.	Deputy Medical Adviser.	14 14 0	Certificates in lunacy, and attending Board meetings under 45 section of Civil Service Act.		
BOTANIC GARDENS.						
1884	Charles Moore	Director	3 3 0	For reporting on certain applications for patents connected with vegetation.	Not done during office hours.	
18	Do	do	3 3 0	do do	do do	

PUBLIC WORKS DEPARTMENT.

RETURN of Fees received by Officers of the Department of Public Works, prepared in pursuance of an Order of the Legislative Assembly, dated 10th May, 1887.

Branch.	Officer.	Position	Amount of Fees received.					Service.	Remarks.
			1883.	1884.	1885.	1886.	Total.		
Railways—			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
Commissioner	.....	.....	.	.	.	.....	.	.....	No fees are received by any officer
Engineer in Chief.	.....	.....	.	.	.	.	.	.	No record of any fees received by officers.
Roads and Bridges	W. C. Bennett	Commissioner and Engineer in Chief	113 8 0	47 5 0	47 5 0	85 1 0	292 19 0	Examining patents.	Work not done during ordinary office hours, nor in the office working hours—14 at least out of the 24.
	D McMurdie	Assistant Engineer for Sewerage		48 6 0	170 2 0	109 4 0	327 12 0	Services as an experienced irrigation officer on Royal Commission for conservation of water.	Duties not confined to office hours, and more than full office hours were worked, in addition to services rendered as a Commissioner.
Harbours and Rivers	E. O. Moriarty	Engineer in-Chief	78 15 0	94 10 0	78 15 0	59 17 0	311 17 0	Examining patents	Work performed in office hours.
	Jas. Rossion	Master and Engineer, dredge "Newcastle."	58 16 0	79 16 0	90 6 0	69 14 0	298 12 0	Surveying steamers at Newcastle on account of Marine Board.	Partly in working hours, and partly in their own leisure.
	John Cartuthers	Master and Engineer, dredge "Ulysses."	6 6 0	12 12 0	2 2 0		21 0 0	Surveying steamers at Manning River on account of Marine Board.	
	John Hamilton	Master and Engineer, dredge "Fitzroy."	21 0 0	12 12 0	10 10 0	10 10 0	54 12 0	Surveying steamers at Macleay River on account of Marine Board.	
Colonial Architect	Jas. Barnett	Colonial Architect	138 12 0	132 6 0	6 6 0	141 0 0	418 4 0	Examining patents	Work not done in office hours
	W. Coles	First Clerk of Works (Acting Colonial Architect)			56 14 0		56 14 0		
Ministerial	.....	.....	.	.	.	.	.	.....	Nil.

DEPARTMENT OF LANDS.

STATEMENT showing amount of Fees paid to Police Magistrates for services as Members of Local Land Boards during years 1885 and 1886.

Name.	Land Board District.	1885.		1886.		Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.		
Keightley, H. M.	Albury	27 6 0	13 13 0	40 19 0			
Vyner, F. W.	do	18 7 6	13 2 6	31 10 0			
Beveridge, A. K.	Bourke	32 0 6		32 0 6			
Keon, G. P.	Cooma	9 9 0	7 17 6	17 6 6			
Davis, J.	do	7 7 0	6 16 6	14 3 6			
Dawson, R.	do	51 19 6	11 11 0	63 10 6			
Woore, J. C.	do	13 2 6	16 5 6	29 8 0			
Bailey, R. R.	Dubbo	30 9 0	23 12 6	54 1 6			
Caswell, W. S.	do	23 12 6		23 12 6			
Sharpe, E. A. L.	Forbes	49 3 6	42 0 0	91 3 6			
Smith, C. E.	Glen Innes	35 2 6	28 7 0	63 9 6			
Martin, G.	do	4 4 0	18 7 6	22 11 6			
Fraser, W. W.	do	13 2 6	17 6 6	30 9 0			
Graham, J. B.	do	7 17 6	7 7 0	15 4 6			
Aldcorn, J.	Goulburn	6 16 6	6 6 0	13 2 6			
Wotton, W. J. E.	do	3 3 0	21 0 0	24 3 0			
Alexander, C. S.	do	19 8 6	16 3 0	35 11 6			
Fisher, A. M.	do	7 17 6		7 17 6			
Robinson, S.	do	7 7 0	3 3 0	10 10 0			
M'Dougall, A. L.	Grafton	15 15 0	13 2 6	28 17 6			
Bray, J.	do	29 8 0	7 7 0	36 15 0			
Rowling, E. L.	Hay	6 6 0	4 4 0	10 10 0			
Morrissett, R. R.	do	10 10 0	33 12 0	44 2 0			
Pearce, J. E.	do	16 16 0	55 2 6	71 18 6			
O'Neill, N. C.	do		25 4 0	25 4 0			
Love, M. S.	do	6 16 6	15 4 6	22 1 0			
Smith, C. G.	Maitland	3 3 0	5 5 0	8 8 0			
Parker, W. F.	do	18 18 0	13 13 0	32 11 0			
Mair, J.	do	0 10 6	2 12 6	3 3 0			
Brooks, J. N.	do	8 8 0	7 17 6	16 5 6			
Fawcett, C. H.	do	4 14 6	6 16 6	11 11 0			
Creagh, J. A.	do	13 13 0	19 8 6	33 1 6			
Thomas, W. H.	do	1 1 0	1 1 0	2 2 0			
Cooke, W. V. M.	do	15 15 0		15 15 0			
Gordon, J. C.	do	4 14 6	7 7 0	12 1 6			
Bolding, H. J.	Tamworth	10 10 0		10 10 0			
Lawson, C.	Moree	7 7 0	4 4 0	11 11 0			
Rusden, F. T.	do	33 1 6		33 1 6			
Lee, B.	Orange	10 10 0	16 5 6	26 15 6			
Connolly, N.	do	27 16 6	28 7 0	56 3 6			
Lane, J. T.	do	25 4 0	28 7 0	53 11 0			
Meares, W. D.	do	8 18 6	17 17 0	26 15 6			
Wilshire, F. R.	Sydney	3 13 6	3 2 0	6 15 6			
Reeve, E.	do	4 4 0	5 5 0	9 9 0			
Maunsell, G.	do	2 12 6	2 2 0	4 14 6			
Donaldson, L. S.	Wagga	2 12 6	11 0 6	13 13 0			
Baylis, H.	do	36 15 0	64 2 6	100 17 6			
Gower, G. H.	Wilcannia	21 0 0	43 1 6	64 1 6			
Total		718 10 0	694 10 0	1,413 0 0			

NOTE.—The fees shown in this Return were paid for work performed partly during and partly after office hours.

RETURN showing total amount of Fees paid to Officers of the Survey Branch, Department of Lands, during the years 1883, 1884, 1885, and 1886.

Name.	Designation.	Services for which Fees were paid.	Amount.	Total.
1883.				
P. F. Adams	Surveyor-General	Examination of Candidates for Licenses to Survey.	£ s. d. 20 0 0	£ s. d. 20 0 0
R. D. Fitzgerald	Deputy Surveyor-General	do do Examination of Cadets for employment in Drawing Branch.	20 0 0 27 0 0	47 0 0
R. M'Donald	Surveyor	Examination of Candidates for Licenses to Survey.	10 0 0	10 0 0
W. J. Conder.....	do	do do	20 0 0	20 0 0
T. F. Furber	do	do do	20 0 0	20 0 0
W. Orr	do	do do	10 0 0	10 0 0
A. J. Stopps	Draftsman	Examination of Cadets for employment in Drawing Branch.	27 0 0	27 0 0
F. W. Watt	do	Examination of Candidates for employment as Temporary Draftsmen.	52 10 0	52 10 0
T. F. Callachor	do	do do	58 16 0	58 16 0
S. L. Peyton	do	do do	63 0 0	63 0 0
W. Houston	do	do do	8 8 0	8 8 0
W. M'Lean.....	do	Examination of Candidates for temporary Clerkships in Drawing Branches.	8 0 0	8 0 0
Total.....			£	344 14 0
1884.				
P. F. Adams	Surveyor-General	Examination of candidates for licenses to Survey.	10 0 0	10 0 0
R. D. Fitzgerald	Deputy Surveyor-General	do do Examination of cadets for employment in Drawing Branch.	15 0 0 20 0 0	35 0 0
A. C. Betts.....	District Surveyor.....	Examination of candidates for licenses to Survey.	10 0 0	10 0 0
W. J. Conder.....	Surveyor	do do	20 0 0	20 0 0
D. M. Maitland	do	do do	10 0 0	10 0 0
T. F. Furber	do	do do	20 0 0	20 0 0
W. G. Walker	do	do do	10 0 0	10 0 0
A. J. Stopps	Draftsman	Examination of cadets for employment in Drawing Branch.	15 0 0	15 0 0
T. F. Callachor	do	Examination of candidates for employment as Temporary Draftsmen.	42 0 0	42 0 0
S. L. Peyton	do	do do	48 6 0	48 6 0
W. Houston	do	do do	21 0 0	21 0 0
F. W. Watt	do	do do	10 10 0	10 10 0
D. H. Chisholm	do	do do	23 2 0	23 2 0
W. M'Lean.....	do	Examination of candidates for Temporary Clerkships in Drawing Branch.	2 0 0	2 0 0
Total.....			£	276 18 0
1885.				
P. F. Adams	Surveyor-General	Examination of candidates for licenses to survey.	20 0 0	20 0 0
R. D. Fitzgerald	Deputy Surveyor-General	do do Examination of cadets for employment in Drawing Branch.	20 0 0 15 0 0	35 0 0
D. M. Maitland	Surveyor	Examination of candidates for license to survey.	20 0 0	20 0 0
J. Brooks	do	do do	20 0 0	20 0 0
T. F. Furber	do	do do	20 0 0	20 0 0
A. J. Stopps	Draftsman.....	Examination of cadets for employment in Drawing Branch.	15 0 0	15 0 0
D. H. Chisholm	do	Examination of candidates for employment as Temporary Draftsmen.	10 10 0	10 10 0
T. F. Callachor	do	do do	6 6 0	6 6 0
S. L. Peyton	do	do do	2 2 0	2 2 0
Total .....			.....	148 18 0
1886.				
P. F. Adams	Surveyor-General.....	Examination of candidates for licenses to survey.	10 0 0	10 0 0
R. D. Fitzgerald	Deputy Surveyor-General..	do do Examination of cadets for employment in Drawing Branch.	10 0 0 2 0 0	12 0 0
D. M. Maitland	Surveyor	Examination of candidates for licenses to survey.	10 0 0	10 0 0
G. H. Knibbs.....	do	do do	10 0 0	10 0 0
T. F. Furber	do	do do	10 0 0	10 0 0
A. J. Stopps	Draftsman	Examination of cadets for employment in Drawing Branch.	2 0 0	2 0 0
D. H. Chisholm	do	Examination of candidates for employment as Temporary Draftsmen.	37 16 0	37 16 0
Total			£	91 16 0

The fees shown in this Return were paid for work performed partly during and partly after office hours

PUBLIC INSTRUCTION.
Nil.

DEPARTMENT OF MINES.
INFORMATION respecting Fees received by Civil Servants.

Name of Officer.	Fees received during the Years				For what services.	If for work done during office hours.
	1883.	1884.	1885.	1886.		
		£ s. d.	£ s. d.	£ s. d.		
H. A. Gilliatt	88 4 0	As a member of the Water Conservation Commission.	Yes.
E. C. Weller.....	10 10 0	33 12 0	19 19 0	As Secretary to the Stock Board of Examiners.	Partly during office hours and partly during own time.

[6d.]

Sydney : Charles Potter, Government Printer.—1887.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FEES RECEIVED BY CIVIL SERVANTS.

(FOR YEARS 1883-4-5-6.)

Ordered by the Legislative Assembly to be printed, 8 February, 1888.

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 10th May, 1887, That there be laid upon the Table of this House, a Return showing,—

- “ (1.) The total amount received as fees of office, or in any other way, by the Clerks of Petty Sessions at the Central Police Court, the Water Police Court, and all other Courts throughout the Colony, from all sources, specifying the amounts received during each of the years 1883, 1884, 1885, and 1886, showing what the fees were received for, and if the fees or any of them were received for work done during office hours.
- “ (2.) The like as regards the fees received by every other person employed in the Civil Service of the Colony during each of the above years.
- “ (3.) The like as regards the fees received by the Crown Solicitor during each of the above years, particularly specifying under different headings what the fees, from all sources paid to him, were paid for.
- “ (4.) The like as regards the fees received by the different Attorneys-General from all sources during the years 1879, 1880, 1881, 1882, 1883, 1884, 1885, and 1886, giving the names of the different Attorneys-General who received such fees, specifying under different headings what the fees were received for.”

(*Mr. McElhone.*)

The Secretary to the General Post Office to The Principal Under Secretary.

Sir,

General Post Office, Sydney, 10 June, 1887.

With reference to your letter dated the 11th ultimo, covering copy of an order of the Legislative Assembly for certain information desired by Mr. McElhone regarding fees paid to Civil Servants, I am directed to inform you, as regards the Post Office Department, that the only fees paid to employees are those which are retained by postmasters for making up private bags, in accordance with regulations, of which a copy is attached, but no account has been kept of such payments, and it would be impossible to obtain complete or reliable information from the postmasters themselves, owing to the many changes which have affected so large a number of post-offices during the years specified by Mr. McElhone, namely, 1883, 1884, 1885, and 1886.

The Superintendent of the Money Order Office reports that no fees have been received by any of the officers of his department during the years mentioned.

The information as regards the Telegraph Department will be forwarded as soon as it comes to hand.

I have, &c.,

S. H. LAMBTON.

450—

[1,005 copies—Approximate cost of printing, (labour and material) £1 18s. 1d.]

[*Enclosure.*]

[Enclosure.]

REGULATIONS FOR PRIVATE MAIL BAGS.

PRIVATE BAGS—ANNUAL CHARGE.

POSTMASTERS are permitted to make arrangements with settlers upon mail routes requiring the accommodation of a private bag upon payment (in advance) of a sum not exceeding £2 2s. per annum to the postmaster who has to make up the bag, subject to the following regulations, viz. :—

Letter bag to be furnished by person requiring the same.

1. The bag must be of leather, and provided at the cost of the person requiring it.

To be sealed before despatche .

2. The postmaster will close and seal or lock the bag securely before despatching it ; and it must be returned in like manner, securely locked or sealed with some seal the impression of which is known by the postmaster.

Owners of bags responsible for postage and registered letter receipts.

3. The bag may contain letters for all persons who give *written authorities* to the postmaster to enclose them ; but it must be distinctly understood that the person paying for the private bag is responsible for the postage of all unpaid letters, and for the receipts for all those which may be registered. In case of non-payment of postage, or detention of registered letter receipts, the postmaster shall decline to forward any more letters of either of these classes.

Contractors bound to carry bags on road, but not to be delayed.

A contractor is bound to convey and deliver, free of charge, all bags given to him by the postmasters, or under their instructions ; but is not required to deviate in the slightest from the usual mail route, and is on no account to be delayed. Should the return bag not be ready at the appointed time and place, the contractor must not wait for it.

NOTE.—Letters forwarded in private bags for delivery at the township where such private bags are opened, should bear postage at the rate of 2d. per $\frac{1}{2}$ ounce and not 1d. per $\frac{1}{2}$ ounce, as seems to be the impression amongst some private bag owners. Telegrams forwarded in this way to any postmaster for transmission to destination should also bear postage.

The Secretary to the General Post Office to The Principal Under Secretary.

Sir,

General Post Office, Sydney, 16 December, 1887.

With reference to your communication of the 11th May last, covering a copy of an Order made by the Legislative Assembly on the 10th *idem*, for certain information respecting fees received by Civil Servants during the years 1883, 1884, 1885, and 1886, and to my letter of the 10th June, furnishing the desired particulars, so far as the Postal and Money Order Departments are concerned, I am now directed to forward herewith a copy of a statement furnished by the Auditor-General, showing the amount of patent fees received by the Superintendent of Telegraphs during the years mentioned, and to inform you that it would appear, from the reports furnished, that there is no record in the books of the Telegraph Department of any other fees being paid to any person in the Service for the period referred to.

I have, &c.,

S. H. LAMBTON.

[Enclosure.]

STATEMENT showing the amount received as Patent Fees by E. C. Cracknell, Esq., Superintendent of Telegraphs, during the years 1883 to 1886 inclusive.

Year.	£	s.	d.
1883.....	110	5	0
1884.....	97	13	0
1885.....	40	19	0
1886.....	66	3	0

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE TREASURY.

(APPLICATIONS FOR POSITION OF ASSISTANT EXAMINER OF ACCOUNTS IN.)

Ordered by the Legislative Assembly to be printed, 19 June, 1888.

[Laid upon the Table in accordance with the promise made by the Colonial Treasurer to Mr. Nobbs—Question No. 11, Votes No. 95, of 29 May, 1888.]

No. 1.

Mr. T. Gainford to The Under Secretary for Finance and Trade.

Sir, Account Branch, Treasury, New South Wales, Sydney, 5 December, 1887.
Being informed of the intended retirement of Mr. Canter, Examiner of Accounts, I do myself the honor to apply for the position of Assistant Examiner, and in support of my application I would respectfully refer to my twelve (12) years' service in the Account Branch.

I have, &c.,
THOMAS GAINFORD.

No. 2.

Mr. W. Husband to The Under Secretary for Finance and Trade.

Sir, Revenue Branch, Treasury, New South Wales, Sydney, 6 December, 1887.
In view of the probable retirement of Mr. Canter from the service, I beg to respectfully apply for the position of Assistant Examiner should the same be rendered vacant. After ten (10) years faithful service in the Revenue Branch I feel qualified to satisfactorily discharge the duties of the office in case the appointment falls to me.

I have, &c.,
WILLIAM HUSBAND.

No. 3.

Mr. C. McKern to The Under Secretary for Finance and Trade.

Sir, Revenue Branch, Treasury, New South Wales, Sydney, 6 December, 1887.
I beg most respectfully to apply for the position of Assistant Examiner, which, I believe, will be vacant consequent upon the resignation of the Examiner (Mr. Canter). In support of this application I may state that I have been in the service twelve and a half (12½) years, ten of which have been spent in the Treasury. My duties during that time, I have reason to believe, have always been performed in a satisfactory manner, and I have no doubt whatever that I could with equal satisfaction perform the duties appertaining to the office of Assistant Examiner.

Trusting that this application may meet with your favourable consideration,

I have, &c.,
CHARLES M'KERN.

No. 4.

Mr. W. A. Lesley to The Under Secretary for Finance and Trade.

Sir, Account Branch, Treasury, New South Wales, Sydney, 7 December, 1887.
I have the honor to apply for the position of Assistant Examiner, shortly to become vacant. I may state for your information that I have been in the Treasury Department for ten years, and that during the protracted illness of the late Mr. Charles Napier, late Assistant Examiner, I was nominated by Mr. Pearson, the Accountant, to temporarily perform his duties. Trusting my application will receive favourable consideration,
I have, &c.,

WILLIAM A. LESLEY.

No. 5.

Mr. F. C. Levinge to The Under Secretary for Finance and Trade.

Sir, Revenue Branch, Treasury, New South Wales, Sydney, 7 December, 1887.
Should the office of Assistant Examiner of Accounts become vacant by reason of the promotion of Mr. Corkhill, I beg most respectfully to apply for that position. Having for twenty-three years been an officer of this Department, therefore the senior of all likely applicants for the promotion, and having several times performed the duties of the office, I trust I have a fair claim to the position.

I have, &c.,
F. C. LEVINGE.

No. 6.

Mr. A. P. Pearson to The Under Secretary for Finance and Trade.

Sir, Examining Branch, Treasury, New South Wales, Sydney, 13 December, 1887.
I understand that by certain departmental changes the office of Assistant Examiner of Accounts will shortly become vacant, and I have the honor to request that you will be so good as to bring under the notice of the Honorable the Colonial Treasurer this my application for appointment to the above-named office. Since my appointment to the Treasury in 1878 I have been almost continuously employed in the Examining Branch, and during the past five years have on several occasions filled the position I am now seeking to obtain. I am at present acting, and have discharged the duties of Assistant Examiner of Accounts from the 11th August last.

I have, &c.,
A. P. PEARSON.

Minute by Mr. Corkhill, Acting Examiner.

I CANNOT too strongly recommend this application. Mr. Pearson having served since 1878 in the Examining Branch (with the exception of a period of about twelve or eighteen months when he was transferred to the Account Branch), has acquired a most useful knowledge of the general work of the Branch. He has been specially trained in the work, both by Mr. Canter and myself, and has proved himself to be a most painstaking and reliable officer, so much so that on two or three occasions during the time he was employed in the Account Branch he was "borrowed" from that Branch to take up the duties of the Assistant Examiner, consequent upon Mr. Canter's absence through illness, and my acting as Examiner. He is at present, and has been since August last, performing the duties, and has on this and all previous occasions rendered me most valuable assistance.

Examining Branch, 22/12/87.

S. R. CORKHILL,
Acting Examiner.

No. 7.

Mr. H. B. Brewer to The Under Secretary for Finance and Trade.

Sir, Pay Branch, Treasury, New South Wales, Sydney, 17 December, 1887.
I have the honor to make application for the position of Assistant Examiner in the Treasury, which I understand will shortly become vacant. I desire to point out that I am prepared to waive this application in the event of any officer who may be my senior in the Department being considered by you adapted to the position.

I have, &c.,
HARRY B. BREWER.

No. 8.

Recommendation of The Under Secretary for Finance and Trade.

TREASURY MINUTE.

The Treasury, New South Wales, Sydney, 24 April, 1888.

Promotions in the Examining Branch of the Treasury.

CONSEQUENT upon the retirement of Mr. R. A. Canter from the office of Examiner of Accounts in this Department, I beg to make the following recommendations, namely:—

Mr. Sydney R. Corkhill, at present Assistant Examiner, who has been seventeen years in the Public Service (during the last six years of which period he has held the office of Assistant Examiner), to be promoted to the office of Examiner, at the salary of his predecessor, namely, £550 per annum.

Mr. Arthur Pearson, who has been ten years in the Public Service (during which term he has been eight years in the Examining Office, and has acquired considerable experience in the business of that Branch, and who is at present receiving £240 per annum), to be promoted to the office of Assistant Examiner, *vice* Corkhill, promoted, at the reduced salary of £300 per annum.

Mr.

Mr. Joseph Graham, next in succession to Mr. Pearson, four years service, and at present receiving £200 per annum, to succeed Mr. Pearson, at the reduced salary of £225 per annum.

A vacancy is left after these promotions of £200 per annum, which Mr. Corkhill reports might be filled by a junior clerk at £100 a year.

The saving by these changes would be £155 per annum.

The above promotions to date from 1st January, 1888.

I would observe that the following officers in the Account and Revenue Branches of the Treasury have applied for the office of Assistant Examiner, namely:—

Mr. Husband, service of ten years ;

Mr. Brewer, service of ten years ;

Mr. Lesley, service of ten years ;

Mr. Gainford, service of twelve years ;

Mr. M'Kern, service of twelve and a half years ;

Mr. Levinge, service of twenty-three years ;

but as none of these gentlemen have had any experience of the duties of the Examining Branch, which are of a highly technical nature, and require a special training to ensure their efficient performance, I could have no confidence in those gentlemen, and am unable to recommend them.

G.E.

The Hon. the Colonial Treasurer,
&c., &c.

Approved.—J.F.B., 25/4/88. The Secretary, Civil Service Board.—G.E., 25/4/88. The Civil Service Board concur.—E.G.W.P., 2/5/88. The Under Secretary for Finance and Trade.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the information is both reliable and up-to-date.

The final part of the document provides a summary of the findings and offers recommendations for future work. It suggests that regular audits and updates to the data collection process are essential for maintaining the integrity of the information.

Appendix A: Detailed breakdown of the data collection process.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REGISTRAR-GENERAL'S OFFICE.

(OFFICE HOURS, &c., OF EXAMINERS OF TITLES AND REGISTRAR-GENERAL.)

[Laid upon the Table of this House in answer to Question No. 15, of Wednesday, 12th October, 1887.]

MR. ABBOTT asked the Colonial Secretary,—

- (1.) What are the office-hours of the Examiners of Titles in the Registrar-General's Office?
- (2.) What are the office-hours of the Registrar-General?
- (3.) Apart from holidays, how many days have any of these officers been absent from their respective offices during the present year?

SIR HENRY PARKES answered,—

I will shortly lay a paper upon the Table giving the required information.

MEMO. for the Registrar-General,—

(No. 1.) Half-past 9 to 4.

(No. 3.) I have been absent from the office about three weeks during the present year owing to illness.

Land Titles Office, 12th October, 1887.

H. D. MADDOCK,
Examiner of Titles.

(1.) My office-hours have generally been from 9 to 4, but I think during the past winter I have not usually arrived till about a quarter past 9.

(3.) I am not aware that apart from holidays I have been absent from office any day during the present year.

E. BURTON, 12 October, 1887.

MEMO. for the Registrar-General,—

(1.) From half-past 9 to 4.

(3.) About two months in January, February, and March, on sick leave, and an occasional Saturday morning since.

H. H. OULD, 12/10/87.

MEMO. for Registrar-General,—

(1.) From 9'30 a.m. to 4 p.m.

(3.) None.

12 October, 1887.

A. PARRY LONG,
Examiner of Titles.

(2.) From about 25 minutes to 10 o'clock until half-past 4 o'clock, and beyond that as the work of the Department may demand.

(3.) One day from illness.
12 October, 1887.

E. G. WARD,
Registrar-General.

1887.
(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EXAMINERS OF TITLES UNDER REAL PROPERTY ACT.

(CASES DEALT WITH BY, FROM 1885 TO 30 SEPTEMBER, 1887.)

Ordered by the Legislative Assembly to be printed, 2 November, 1887.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 13th October, 1887, That there be laid upon the Table of this House, a Return showing,—

- “(1.) The number of applications, under the Real Property Act, dealt with by Mr. Burton during the years 1885 and 1886, and up to the 30th September, 1887.
“(2.) The number of transmission applications dealt with during the same period by the same gentleman.
“(3.) The same information with regard to Mr. Maddocks.
“(4.) The same information with regard to Mr. Plomley.
“(5.) The same with regard to Mr. Ould.
“(6.) The same with regard to Mr. Long.”

(Mr. Hassall, for Mr. Abbott.)

Names.	1885.		1886.		1887 to 30th September.	
	Applications.	Transmissions.	Applications.	Transmissions.	Applications.	Transmissions.
Mr. Burton ...	43	146	29	105	22	34
Mr. Maddocks ...	247	299	260	260	221	178
Mr. Plomley* ...	250	289	115	93	.....	.....
Mr. Ould† ...	.....	.....	80	95	§85	117
Mr. Long‡ ...	.....	.....	138	179	253	255

* Resigned at end of May, 1886. † Appointed 23rd July, 1886. ‡ Appointed 23rd July, 1886. § Two months' sick leave in this year.

The number of cases set forth in this Return represent those actually reported on by each Examiner of Titles and passed by the Commissioners.

E. GRANT WARD,
Registrar-General.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HARBOURS AND RIVERS DEPARTMENT.

(RETURN SHOWING NAMES AND LENGTH OF SERVICE OF OFFICERS OF.)

Ordered by the Legislative Assembly to be printed, 23 July, 1888.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 7th June, 1888, That there be laid upon the Table of this House, a Return showing—

- “ (1.) The number of officers (giving names) employed in the Harbours and Rivers Department, and by whom appointed.
“ (2.) Their length of service.
“ (3.) The rate of pay received by each.
“ (4.) The number of articled pupils, and the rates of pay they receive.”

(Mr. Frank Farnell.)

RETURN showing the names of the Officers employed in the Harbours and Rivers Department, by whom appointed, their length of service, and the rate of pay received by each, &c.

Name.	Position.	By whom appointed.	Length of service.	Rate of pay received.	Allowances received.	
					House.	Forage.
PERMANENT STAFF.						
Moriarty, E. O.	Engineer-in-Chief	Governor and Executive Council.	y. m. 38 11	£ 1,200	£	£ 100
Darley, C. W.	Principal Assistant Engineer	”	20 10	750	50	100
Moriarty, M. H.	Assistant Engineer	”	27 10	600	50	.....
Williams, Alf.	”	”	13 10	600	50	.....
Hickson, R. R. P.	”	”	6 11	650	50	100
Keele, T. W.	District Engineer.....	”	20 0	440	50	.....
Howard, F. (R.N.) ..	Marine Surveyor.....	”	7 0	400	.....	.....
Davies, H.	Chief Draftsman	”	9 5	490	.....	.....
Tillett, G. A.	Assistant Engineer	”	17 1	400	.....	.....
Pridham, T.	Draftsman	”	9 4	340	.....	.....
Laing, J. G.	”	”	15 7	340	.....	.....
Rossbach, Wm.	”	”	10 11	300	.....	.....
Charles, H. B.	Engineering Assistant.....	”	7 0	140	.....	.....
Little, W. D.	”	”	7 0	92	.....	.....
M’Cabe, G. D.	”	”	7 0	92	.....	.....
Steel, Samuel	Chief Clerk and Accountant	”	18 5	550	.....	.....
Conley, James	Assistant Accountant and Cashier	”	13 5	440	.....	.....
Portus, John	Clerk	”	17 6	390	.....	.....
Cremen, T. J.	”	”	10 7	340	.....	.....

1069—

[830 copies—Approximate Cost of Printing (labour and material), £4 13s. 10d.]

Name.	Position.	By whom appointed.	Length of service	Rate of pay received	Allowances received	
					House.	Forage.
PERMANENT STAFF—continued.						
Hoey, James	General Superintendent, Fitzroy Dock.	Governor and Executive Council.	y. m.	£	£	£
			17 8	400	50	....
Hayes, Samuel ..	Shipwright Superintendent, Fitzroy Dock.	" "	16 1	390	Allowed quarters	....
Wylie, John P. ..	Clerk.	" "	9 9	325	....	....
Delargy, John ..	Store Clerk, &c, Fitzroy Dock	Engineer-in-Chief	13 8	200	....	....
Morling, W. R. ...	Assistant " "	" "	8 1	100	....	....
Portus, A. B. ...	Superintending Engineer of Dredges	Governor and Executive Council.	22 8	440	....	....
Laing, John	Dredge-master ...	" "	19 10	400	....	....
Rorison, James	"	" "	18 1	400	....	....
Mather, Joseph	"	" "	13 9	£397 10s	....	....
Halkett, Alex. ...	"	" "	15 9	350	....	....
Kirkwood, D. S. ...	"	" "	23 7	400	....	....
Orr, Henry ...	"	" "	20 1	£342 10s.	....	....
Carruthers, John..	"	" "	14 8	£342 10s.	....	....
Brodie, Thomas ..	"	" "	11 0	£342 10s.	....	....
Hamilton, John ...	"	" "	7 3	£342 10s.	....	....
Ryan, John ...	"	" "	12 11	£342 10s.	....	....
Mather, John ...	"	" "	13 9	£342 10s.	....	....
Steel, Robert ...	"	" "	6 8	£342 10s.	....	....
Jones, William ..	"	" "	10 3	£302 10s.	....	....
Lawson, David ...	"	" "	4 10	300	....	....
TEMPORARY STAFF.						
Ryan, R. H.	District Engineer.....	Secretary for Public Works	7 1	600	Allowed quarters.	52
Howison, David ..	"	" "	21 10	400	50	....
Blomfield, H. A. ...	Resident Engineer ...	" "	10 5	300	50	£54 15s.
Campbell, D. F. ...	"	" "	11 8	300	50	....
Brownrigg, C. S. ...	"	" "	12 5	350	50	£54 15s.
Young, E. W.	"	" "	2 0	500	....	....
Walsh, H. D.	"	" "	10 5	25s. p day	Allowed quarters.	50
Carlton, H. R. ...	"	" "	9 4	25s. "	"	....
Kemp, W. E. ...	"	" "	13 0	300	....	52
French, R. Le Poer	"	" "	6 8	300	....	£54 15s.
Price, E. B.	"	" "	2 6	20s. p day	50	....
Grimshaw, J. W. ...	"	" "	7 2	300	....	....
Josephson, J. P. ...	Surveyor	" "	20 1	440	....	....
Halligan, G. H. ...	"	" "	14 11	300	....	....
Francis, Philip ..	"	" "	8 6	20s. p day	....	....
Stack, R. F.	"	" "	13 1	30s. "	....	....
Jacob, Albert F. ...	Field Assistant.....	" "	9 5	260	....	£54 15s.
Brodie, D. G.	"	" "	9 0	260	....	....
Copeland, H. P. R.	"	" "	9 11	260	....	£54 15s.
Rollaston, J. C. ...	"	" "	9 9	250	....	....
M'Lean, M. L. ...	In charge of Breakwater Works, Clarence River.	Governor and Executive Council.	13 5	365	Allowed quarters.	....
Geary, E. M. ...	Superintendent of Works	Engineer-in-Chief	7 11	20s. p day	....	....
Stone, J. J.	Draftsman.....	Secretary for Public Works	7 0	350	....	....
Moore, A. E.	"	" "	13 7	300	....	....
Orr, James	"	" "	6 7	275	....	....
Handley, H. J. ...	"	" "	6 1	250	....	....
Dawson, H. B. ...	"	" "	8 7	300	....	....
Broad, E. J. H. ...	"	" "	8 2	250	....	....
Wellisch, A.	"	" "	8 0	250	....	....
Marshall, John ..	"	" "	6 3	250	....	....
Fitzgerald, A. E. ...	"	" "	7 5	12s. p day	....	....
Rose, F. W.	"	" "	10 6	12s. "	....	....
M'Culloch, Thos. ...	"	" "	3 1	250	....	....
Napier, P. D.	"	" "	6 11	200	....	....
Howard, F. F. ...	"	" "	3 9	15s. p day	....	....
Elder, James ...	"	" "	0 3	250	....	....
Ames, William ...	"	" "	0 2	250	....	....
Clarke, F. W. ...	"	" "	10 9	185	....	....
Burrows, T. E. ...	"	" "	10 10	200	....	....
Hezlet, A. E. ...	"	" "	10 0	150	....	....
Lane, George ...	"	" "	9 5	150	....	....
Makinson, P. J. ...	"	" "	10 11	175	....	....
Friend, O. B.	"	" "	2 6	150	....	....
Bruce, J. M. ...	"	" "	7 8	10s. p day	....	....
Anderson, A. H. W.	Assistant Engineer	" "	9 5	250	....	....
Flaville, A. E. ...	Cadet	" "	6 6	125	....	....
Goodsir, W. J. ...	"	" "	6 6	125	....	....
Eaton, Stanley ...	"	" "	6 6	100	....	....
Skinner, H. W. ...	"	" "	6 11	125	....	....
Brooks, Alfd ...	"	" "	4 10	52	....	....
Moriarty, A. D. ...	"	" "	4 7	100	....	....
Blakney, E. W. ...	Weigh clerk, Clarence River Works	Engineer in Chief	20 1	15s. p day	....	....
Sutton, James ..	" Lake Macquarie	Secretary for Public Works	6 4	15s. "	....	....
M'Gallycuddy, A	Clerk and Timekeeper, Wollongong Office.	Engineer-in-Chief	7 7	15s. "	....	....

Name.	Position.	By whom appointed.	Length of service.	Rate of pay received.	Allowances received.	
					House.	Forage.
<i>TEMPORARY STAFF—continued.</i>						
M'Gillycuddy, R. E.	Clerk and Timekeeper to Assistant Engineer, Sydney.	Engineer-in-Chief	y. m. 12 10	£ 15s. 7 ¹ / ₂ day	£	£
Hunter, A. J.	Clerk, Newcastle Office	"	6 4	15s. "	.....	.....
Hayes, J. W.	" Clarence River Works.....	"	12 10	15s. "	.....	.....
Bibb, John	Custodian of Plans	Secretary for Public Works	19 10	250	.....	.....
Rabone, J. G.	Clerk	"	10 0	275	.....	.....
Oatley, W. K.	"	"	15 5	250	.....	.....
Cummings, R. O.	"	"	8 9	250	.....	.....
Berthon, H. H. L.	"	"	13 7	225	.....	.....
Tunks, A. F.	"	"	11 5	225	.....	.....
Vidal, H. H.	"	"	10 10	225	.....	.....
Thorpe, F. A.	"	"	10 0	225	.....	.....
Pairman, J. C.	"	"	6 4	175	.....	.....
Dalton, M. J.	"	"	11 2	175	.....	.....
Rossbach, F. T.	"	"	6 11	150	.....	.....
Jones, N.	"	"	5 8	100	.....	.....
Walters, H. L.	" Newcastle Office.....	"	4 10	75	.....	.....
Cunneen, H. H.	Copying Clerk	"	6 0	8s. 7 ¹ / ₂ day	.....	.....

Articled pupils, Nil.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. OLIVER, LATE INSPECTOR OF FISHERIES.

(REMOVAL OF—CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 10 May, 1888.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 28th February, 1888, That there be laid upon the Table of this House,—

“Copies of all papers connected with the removal from office of Mr. Oliver, late Inspector of Fisheries, including a letter addressed to the Colonial Secretary by the Fisheries Commission, relating to Mr. Alexander Oliver, a Commissioner for Fisheries, having withheld papers in Inspector Oliver’s case.”

(*Mr. Dawson.*)

LEGISLATIVE ASSEMBLY, FRIDAY, 22 SEPTEMBER, 1882.

Question—

MR. MARTIN to ask THE COLONIAL SECRETARY,—Has he any objection to lay upon the Table of the House, copies of correspondence, including a report from the Police, about the conduct of Mr. Oliver, Assistant Inspector of Fisheries at Eden, relative to the removal of that officer and the appointment of his successor?

Answer—

The police reports in connection with the above were forwarded to the Secretary, Fisheries Commission, in January and February last.

EDMUND FOSBERY,

Inspector-General of Police.

The Secretary, Fisheries Commission.—C.W., P.U.S., B.C., 20/9/82.

I know nothing of any report from the police about Mr. Oliver, though I recollect having seen a minute of the Commissioner’s for the abolition of the office of Inspector of Fisheries at Eden, and the appointment, in lieu, of an Acting Assistant Inspector; but I think the minute was passed during the time I was absent on leave. Let Mr. Quinan, who was acting for me, see this paper; possibly he may be able to throw some light on the matter. All the Fisheries records have been consumed in the Garden Palace Fire.—L.G.T., 27/9/82.

I have a distinct recollection of certain correspondence from the Senior Officer of Police or Police Magistrate at Eden, calling attention to the conduct of Assistant Inspector Oliver, and forwarding a copy of the local paper giving an account of a police court conviction against him. This correspondence was forwarded under minute from the Inspector-General of Police, and was, at the request of Mr. Commissioner Oliver, handed to him for perusal, who promised to personally lay it before the Board. It certainly was not returned to the Fisheries Office during my tenure.—JAMES QUINAN, Inspector of Fisheries, 29/9/82.

A. Oliver, Esq., to The Principal Under Secretary.

My dear Walker,

Crown Law Office, 29 September, 1882.

Mr. Quinan, some time at the commencement of the present year, brought me the enclosed documents. Seeing that they emanated from the police I forwarded them to a friend at Eden, in the Public Service, to inquire as to the truth of the statements contained in them. He was away on leave, and did not write in reply for some considerable time. Long before the receipt of his report the office of Inspector of Fisheries at Eden, Twofold Bay, had been abolished, and of course the Assistant Inspector’s (Mr. Thos. Oliver) services discontinued, because the district was not considered by the Commissioners to require

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require an officer at £150 a year. It was at the same time recommended that the duties of Inspector at Twofold Bay should be performed by the Customs' Officer stationed there, Mr. Russell, at a salary of £20 a year.

Mr. Oliver has been paid no salary since February I am told, the date of his suspension.

Under these circumstances when the documents were returned to me I saw no necessity to bring them before the Commissioners, or take further action in the matter.

Yours, &c.,
ALEX. OLIVER.

[Enclosures.]

JOHN BOYLAND v. TYRONE WHITE—LANDLORD and TENANT.

Eden Police Station, 23 January, 1882.

SENIOR-CONSTABLE WOODS reports, that on the 18th instant a warrant of possession in the above case was handed to me by the C.P.S., and at 6 p.m., on the 14th instant, I went to White's, Boyland's Place, and found that White and family had left, taking effects with them; but in a wooden outhouse, a short distance from dwelling-house occupied by White, Thomas Oliver, Assistant Inspector of Fisheries, was in possession, and I spoke to him in the presence of Constable Frost, and told him that I held a warrant to eject all persons from Boyland's. I again spoke to him a few days after, in the presence of R. B. Hays, C.P.S. We advised him to leave Boyland's premises quietly, without any further trouble to police or himself. Oliver then said, "I am going to Merimbula to get a place to live in, and I will clear out in a few days." Believing then that Mr. Oliver was sincere in his promise I did nothing more till Saturday, 21st instant, at 11 a.m. (Boyland having arrived previous evening from Bega to take over possession). At the hour named, accompanied by Constable Frost and John Boyland, we went to Oliver's, and saw him after getting out of bed in a state of drunkenness. I told him respectfully that we came to put Boyland in possession of his premises, and requested him to dress and leave quietly. We endeavoured for 20 minutes to get him to dress; he became very abusive to us. I again told him that I held a warrant signed by the Police Magistrate, G. P. Keon, dated 13th instant, and that I would enforce it, and eject all persons from Boyland's, but said, "If you will leave quietly by 4 o'clock, I will give you till then." * * * * *

STEPHEN WOODS,
Senior-Constable 1351.

Joseph Meares, Cooma.

Forwarded to the Superintendent of Police, Goulburn. Judging from Senior-Constable Woods' report Mr. Oliver does not appear to be a fit man to hold a Government appointment, and the Superintendent may think it desirable to send the report forward.—J. D. MEARES, Inspector, Cooma, 27/1/82.

For the Inspector-General's information. According to Senior-Constable Woods' report Mr. Oliver does not seem to be a credit to the Department he is attached to.—H.Z., 30/1/82. Forwarded to the Secretary of the Fisheries Commission.—EDMUND FOSBERY, I.G.P., B.C., 31/1/82.

Telegram from T. Oliver to The Inspector-General of Police.

Merimbula Station.

CAN a policeman out of uniform arrest any person?

THOS. OLIVER.

Certainly. Who is the inquirer?—E.F. Captain Zouch, 28/1/82. Inspector Meares.—H.Z., 30/1/82.

Panbula Police Station, 9 February, 1882.

SENIOR-CONSTABLE DAVIS begs respectfully to report that Thos. Oliver, referred to in the attached criminal report, is the Assistant Inspector of Fisheries for this district. He is considered by most of the inhabitants in this district to be a very dangerous bad man, especially when in liquor. * * * * *

G. V. DAVIS,
Senior-Constable.

The Inspector of Police, Cooma.

For Captain Zouch's information.—JOHN D. MEARES, Inspector, Cooma, 12/2/82. The Superintendent of Police, Goulburn. Forwarded to the Inspector-General of Police.—H. ZOUCH.

Copies of memos. *re* complaint against Mr. Oliver.

Received 30th January, 1882, from Inspector Meares—Mr. Oliver does not appear to be a fit man to hold a Government appointment.

To the Inspector-General of Police, 30th January, 1882. For the Inspector-General's information. According to Senior-Constable Woods' report Mr. Oliver does not appear to be a credit to the Department he is attached to.

Forwarded to the Secretary of the Fisheries Commission in connection with previous papers.—EDMUND FOSBERY, I.-G.P., B.C., 15/2/82.

Southern District, Panbula Station.

Offence—Assaulting a constable.

Offender's name—Thomas Oliver.

Full particulars—Arrested by Senior-Constable Davis, Panbula Police, charged with assaulting him whilst in the execution of his duty; has been fined £5; to be paid on or before the 10th instant; in default of payment, distress; on failure of distress, one month's imprisonment in Bega Gaol. This offender was also charged with making use of threatening and abusive language to Senior-Constable Davis. Fined £1 and costs 8s; paid; also further charged with drawing a large sheath knife from under his coat, in Panbula Court-house "whilst on his trial for the above assault," with the intention of assaulting Senior-Constable Davis with said knife. Ordered to find sureties to keep the peace for six months—self in £40, and two sureties, £20 each; in default three months' imprisonment in Bega Gaol.

G. V. DAVIS,
Senior-Constable, 8/2/82.

Minute of The Colonial Secretary.

THESE papers do not appear to have been before the Fisheries Commission. Let them be sent to the President for consideration and report.

Urgent.

H.P., 30/9/82.

The President of the Fisheries Commission.—C.W., P.U.S., B.C., 30/9/82.

LEGISLATIVE

LEGISLATIVE ASSEMBLY, 3 OCTOBER, 1882.

- (5.) Mr. Oliver, Assistant Inspector of Fisheries :—*Mr. Cameron*, for Mr. MARTIN, asked the COLONIAL SECRETARY,—Has he any objection to lay upon the Table of the House copies of correspondence, including a report from the Police, about the conduct of Mr. Oliver, Assistant Inspector of Fisheries at Eden, relative to the removal of that officer and the appointment of his successor?

SIR HENRY PARKES answered,—These papers have not been reported to me from the Fisheries Commission. There will be no objection to lay them on the Table, but I cannot see any use in having them printed.

The President of the Fisheries Commission to The Colonial Secretary.

Sir,

Fisheries Office, Sydney, 6 October, 1882.

I have the honor to inform you that in compliance with the request made in your minute of the 30th ultimo (forwarding documents addressed to this office by the Inspector-General of Police) for a report on all the circumstances connected with the case therein referred to, I laid the papers before a meeting of the Commissioners yesterday.

After a full inquiry by the Commissioners the following facts were elicited :—

On the 26th January of this year Mr. Lindsay Thompson, the Secretary to the Commissioners, left Sydney on leave of absence for one month, Inspector Quinan consenting to act for him in his absence.

At this time nothing seems to have been heard or known of any alleged misconduct on the part of Mr. Assistant Inspector Oliver of Eden, nor had any suggestion been made for the abolition of his office.

Some days after Mr. Quinan's temporary occupation of the office of secretary he received a letter from the Inspector-General of Police, enclosing a complaint from the Senior-Sergeant of Police at Eden of misconduct on the part of Assistant Inspector Oliver ; that letter Mr. Quinan admits having handed over to Mr. Oliver, one of the Commissioners, by his direction, and that he never mentioned its receipt to the other Commissioners. Mr. Quinan also states that he received on or about the 15th of February other papers from the Inspector-General of Police on the same subject, and that these also he handed over to Mr. Oliver. On this last occasion Mr. Quinan seems to have been conscious of some irregularity in this mode of disposing of papers intended for the Commissioners, for his statement is, that he said to Mr. Oliver, "I suppose, Mr. Oliver, I am not acting wrong in leaving these with you, for of course you know I am merely acting for Mr. Thompson," to which Mr. Oliver replied, "You are quite right in leaving them with me as a Commissioner ; I will bear you out in the matter."

About a fortnight after the first batch of papers alluded to were given to Mr. Oliver that gentleman proposed at a meeting of the Commissioners that the office of Assistant Inspector of Fisheries at Eden should be abolished, on the ground of its being unnecessary, and he undertook to facilitate the transaction by procuring the resignation of his brother, who held the office, but in his proposition he did not make the slightest allusion to the fact that he had there in his possession a complaint addressed to the Commissioners affecting his brother. There is no evidence to show whether at that time the second set of papers had been delivered to Mr. Oliver or not.

The whole matter has now been brought to light by a question of which Mr. Martin, M.P., gave notice in the Assembly for Friday, the 29th ultimo ; that necessitated the production of these documents, and Mr. Walker, the Under Secretary, seems to have first sent to the Inspector-General of Police for the papers, whose reply was that they had all been forwarded to the Secretary of the Fisheries Commissioners in January and February last. Application was then made to Mr. Lindsay Thompson, who was thus made aware for the first time that any such documents had an existence ; he in turn made inquiry of Mr. Inspector Quinan whose statement and explanation accompany this report.

The Commissioners, as Commissioners, knew nothing of this business until yesterday, and my acquaintance with it goes no farther back than 3 p.m. on Friday last, the 29th of September.

I have, &c.,

WILLIAM MACLEAY,

President of the Commission.

[Enclosure.]

Sir,

Office of Inspector Home Fisheries, Sydney, 2 October, 1882.

I have the honor to ask to be allowed to make the following statement *re* report of Inspector-General of Police, handed to Mr. Commissioner Oliver.

The next day after your having handed over to me the duties as Acting Secretary there were certain papers that had to be handed to Mr. Commissioner Oliver for his perusal ; these I was in the act of taking over at 9 a.m., when the messenger handed to me at the outer door of the Garden Palace the letter from the Inspector-General of Police. I carried this letter in my hand and opened it in Mr. Oliver's office, and then showed it to him. Mr. Oliver then said it referred to his brother, and asked me to leave it with him as he wished to make inquiry as to the truth of the charges. I obeyed his direction, and when I returned to the office directed the clerk to mark the correspondence off to Mr. Oliver for perusal. A few days afterwards some more correspondence on the same subject reached me from the Inspector-General of Police. These I took to Mr. Oliver for the purpose of having them attached to the previous papers, and asked Mr. Oliver for them. Mr. Oliver said the papers were sent to Eden for report, and asked me to leave the papers I had with me and he would attach them and bring them himself before the Board. I then remarked, "I suppose, Mr. Oliver, I am not acting wrong in leaving them with you, for of course you know I am merely acting for Mr. Thompson." To which he replied, "Oh, you are quite right in leaving them with me as Commissioner. I will bear you out in the matter." I had the paper marked off to Mr. Oliver, and considered I was but carrying out my instructions.

I had no possible object in suppressing these papers, as the Commissioner and his brother are both perfect strangers to me ; the latter I never saw, nor did I know he was the brother of the Commissioner until he told me so.

The above are the facts of the case, which I am prepared to declare to on oath if required to do so.

I have, &c.,

JAMES QUINAN,

Inspector of Fisheries.

The Secretary, Fisheries Commission.

Inform President of Commission that I desire to have Mr. Quinan's explanation why he did not, when he found that the papers were not returned from February to September, report that circumstance to the Commission.—H.P., 9/10/82.

Send copy of this letter to Mr. Oliver for any explanation he may desire to make.—H.P., 9/10/82.

A. Oliver, Esq., to The Commissioners of Fisheries.

Gentlemen,

Shelcote, St. Leonards, 5 October, 1882.

I beg to inform you that I yesterday forwarded to the Colonial Secretary my resignation of the office of a Commissioner of Fisheries, an office, the duties of which I once hoped, and was encouraged by my colleagues to believe, were neither inefficiently nor unworthily filled by me.

But the unexpected action recently taken by your President, Mr. Macleay, in the matter of certain police reports having reference to my brother, Mr. Thomas Oliver, formerly Assistant Inspector for the Twofold Bay Fisheries District, convinces me that he at least must have adjudged me capable of conspiring with an officer of the Department to suppress official documents intended for the Commissioners.

Now, if it were my own conduct only which is involved, I should not have felt it to be my duty to resign my commission, though I might have declined to recognize my colleagues as the proper authority to take cognizance of that conduct. But the character and conduct of the Inspector of the Home Division, Mr. Quinan, are involved. And, as I accept the entire responsibility of whatever Mr. Quinan has done, or has omitted to do, it appears to me that your deliberations will be relieved by my absence from your meetings, and still more by that complete official severance which I deeply regret to have to announce to you.

And, I am free to confess, though there may be a suspicion of weakness in doing so, that I am constitutionally so prone to resent an indignity, especially when it proceeds from a quondam friend with whom I have been long associated as a fellow-labourer in the endeavour to further the development of our Fisheries, that I feel sure your inquest of office will be better conducted in my absence than in my presence.

I am also free to confess that this is not the first occasion when your President's peculiar idiosyncracies have roused in me a keen feeling of resentment. Hitherto I have got the better of my impulse to resign, but on the present occasion that impulse has got the better of me; and as my loss will not be felt so severely as the loss of your President, I elect to resign.

But none the less is my resignation intended to be a protest against the course of action which Mr. Macleay has chosen to pursue—a course which, in my judgment, discloses such marked personal discourtesy to a colleague, coupled with such indecent haste to prejudge, not only that colleague, but also an innocent officer of your Department, that, to a man with a spark of independence or self-respect in him, no other form of protest was permitted than that which I have felt obliged to adopt.

I now proceed to furnish that explanation which Mr. Macleay could have easily procured for himself had he been so minded.

My brother, Thomas Oliver, was appointed Assistant Inspector for the District of Twofold Bay among the first batch of resident inspectors, and I think it will be admitted by Mr. Macleay and my former colleagues that he did not owe his appointment to any abuse of influence on my part. Those gentlemen will remember that I refused to attend any meeting of the Board at which appointments of inspectors were to be made, although I felt certain that my brother's qualifications for the office of Assistant Inspector at Twofold Bay were far before those of any competitor, both by reason of his long residence in the district and his very large experience in the subject matter of his duties. He was eventually appointed, proved himself to be a most zealous officer, and up to this day, so far as I know, there has been no charge whatever made against him to the Commission on the score of dereliction of duty or other official misconduct.

But I found from his reports and other sources of information that the revenue derived from the Twofold Bay District was so insignificant, and that the probability of any increased trade in oysters with Sydney or Victoria was so remote, that I made up my mind, before he had been appointed six months, to recommend my colleagues to abolish Twofold Bay as an Assistant Inspector's district, and to devolve whatever small and infrequent duties of inspection might still be required at Twofold Bay upon the Customs' Officer stationed at Eden. In other words, I undertook the not very agreeable duty of depriving my brother of his appointment, for there was no other place to which he could be transferred, in order to effect a saving of £130 a year, that sum being the difference between the salary of an Assistant Inspector and the honorarium of £20 a year paid to Customs' or Pilot officers.

At my instance Mr. Oliver became the victim of this particular economy, for his office was discontinued in February last, and since then he has received no salary whatever.

The exact date of my notice on our business paper to abolish the Twofold Bay District I am unable, after this lapse of time, to recall, *but I am confident the notice was given before your Secretary left Sydney on sick leave, and he left on the 26th January.* During his absence Mr. Quinan, the Chief Inspector of the Home Division, was appointed Acting Secretary. Within a few days, at most, after Mr. Thompson's departure, Mr. Quinan, of his own accord, came to my office, and asked me to look at some document just received by him. I was busy at the time, but I saw from a hasty perusal that it was a report by a policeman stationed at Bega or Eden (I forget the exact place), which had been forwarded to the Inspector-General of Police, and was by him minuted on to the Commissioners.

I will not undertake to describe the exact contents of the document, for it is months since I read it, and on the single occasion of my reading it I did so hurriedly and without attaching much importance to it; but I am certain that its general purport was to detail a brawl stated to have taken place between a constable serving some process of eviction and my brother, the object of the eviction. Seeing that the report in no way concerned or compromised my brother in his official capacity, or in connection with the performance of his duty as an officer of Fisheries, I informed Mr. Quinan that, for my own personal satisfaction, I would at once forward it for inquiry and report to a trustworthy friend at Eden who was acquainted with my brother, and was in a position to make himself informed of the truth. I despatched the paper accordingly by the next mail to Eden. Subsequently Mr. Quinan either brought or sent me a second police report, emanating from the same source as the first. In this report my brother was charged with some extravagance of behaviour in a Police Court. The charge was, if I remember rightly, that he threatened to assault some constable with whom he happened to be on bad terms. I at once forwarded the second report to the same friend for inquiry and report.

My friend happened to be away from home on the arrival of my letters, and it was not until several weeks had elapsed that I heard from him and received the documents back.

In the meantime my proposal to discontinue the office of Assistant Inspector at Twofold Bay had been brought forward before the Board and carried without dissent. This happened early in February last, but I cannot remember the precise date. The Police papers bore date of the same month.

With

With the documents I received a letter from my friend, expressing his regret at not being able to furnish me with a report as soon as I had asked, but stating generally that, in his opinion, there was much exaggeration in the statements of the Police, but substantial truth in the second report. Upon receipt of the documents from Eden I regarded them as obsolete and immaterial, seeing that the person affected by them was no longer in the service of the Commissioners. Accordingly I put them aside, and thought no more about them, until Mr. Quinan came to my office a few days ago in a state of great mental perturbation, caused, as he said, by Mr. Macleay's threat of instant dismissal, and asked me to give him the papers for the Principal Under Secretary. At the moment I could not lay hands on them, but after some search I succeeded in finding them, and forwarded them to Mr. Walker.

Of course I need hardly say that if those papers had shown on the face of them any dereliction of duty or official misconduct charged against my brother as Inspector of Fisheries, I should not, in the first instance, have thought it proper to receive them from Mr. Quinan. As no such charge was disclosed by them, but merely some policeman's one-sided statement of what happened at an eviction brawl and at a Police office case—in both of which I admit that my brother's conduct was the reverse of reputable—it did not occur to me that any particular object could be served by submitting those reports for the official consideration of the Commissioners, when (to repeat what I have already said) the person affected by them was no longer in their service or in receipt of their pay.

It may be said or thought by one or more of my late colleagues that the facts here narrated disclose no sufficient ground for resignation, and that I might have made this statement at the meeting to-day of the Commissioners.

But with every respect for their opinion, I must be permitted to be the custodian of my own honor, and to know how best to vindicate it. The subject, however, unfortunately, has more than a mere individual interest; something of principle in regard to the relation of colleagues to one another is also involved. There is hardly room for party or clique in a body so small as the Commissioners of Fisheries, but plenty of room for courtesy, loyalty, and that tenderness for the feelings of others which are supposed to distinguish gentlemen in their relations with one another.

A zealous and efficient officer of your Department has been threatened with the punishment of summary dismissal for a small act of courtesy toward a Commissioner for which that person will hardly forget to be mindful. It was an act which could work no harm to any human being, was no breach of duty. If it were an offence, that offence is at least unknown to the code of any departmental law with which I am acquainted. It could be a cause of offence only to a man who was hankering after a grievance, or some official pretext to discredit a colleague.

Between a colleague who could inflict a gratuitously bitter indignity on me and myself, there could, of course, be no continuance of that cordiality which once existed. Nothing was left me but to resign, and to protect Mr. Quinan, so far as lay in my power, by addressing to you this explanation of the whole case. Whether that explanation has satisfied you that an official impropriety has been committed or not, I of course cannot say. Of one thing, I trust, there will be no doubt, and that is, that the offence, if any, is not Mr. Quinan's, but my own.

I remain, &c.,

ALEXANDER OLIVER.

The Principal Under Secretary to The Secretary of the Fisheries Commission.

Sir,

Colonial Secretary's Office, Sydney, 10 October, 1882.

I am directed by the Colonial Secretary to state, for the information of the President of the Fisheries Commission, that Mr. Alexander Oliver has resigned his appointment as a Commissioner of Fisheries. No letter from Mr. Oliver resigning

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

The Principal Under Secretary to The President of the Fisheries Commission.

Sir,

Colonial Secretary's Office, Sydney, 11 October, 1882.

In acknowledging the receipt of your report of the 6th instant, respecting the case of Mr. Oliver, late Assistant Inspector of Fisheries at Eden, I am directed to inform you that the Colonial Secretary desires to have Mr. Inspector Quinan's explanation why he did not, when he found that the papers relating to the case, which he had handed to Mr. Commissioner Oliver, were not returned from February to September, report that circumstance to the Fisheries Commissioners.

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

Mr. Inspector Quinan for explanation.—L.G.T., 13/10/82.

I was not acting as Secretary after February last. I had no reason to doubt that the intimation made by Mr. Commissioner Oliver, when giving me directions concerning these papers, would be duly carried out, viz., "that he would, as soon as he had made the necessary inquiries, personally return them to the office." The papers were officially marked off in the register, "To Mr. Commissioner Oliver, for perusal."—JAMES QUINAN, Inspector of Fisheries, 14/10/82.

Minute No. 55. Read to Commissioners. To be forwarded to Colonial Secretary.—L.G.T. The Principal Under Secretary, Fisheries Office.—L.G.T., Secretary, B.C., 4/11/82. Submitted, 10/11/82. Read.—H.P., 10/11/82.

The Secretary of the Fisheries Commission to A. Oliver, Esq.

Sir,

Fisheries Office, Sydney, 11 October, 1882.

I have the honor to inform you that, at the last meeting of the Commissioners of Fisheries, it was considered desirable that Mr. Thos. Oliver should vacate his position as Assistant Inspector of Fisheries, and I was desired, in the first instance, to request that you would be so good as to obtain and furnish me with his resignation which, it is understood, you promised in February last, should be sent to the Commissioners.

I have, &c.,

LINDSAY G. THOMPSON,

Secretary.

The

The Principal Under Secretary to A. Oliver, Esq.

Sir,

Colonial Secretary's Office, Sydney, 11 October, 1882.

In transmitting to you the accompanying copy of a report from the President of the Fisheries Commission respecting the case of Mr. Oliver, late Assistant Inspector of Fisheries at Eden, I am directed by the Colonial Secretary to request that you will be good enough to furnish any explanation you may desire to make on the subject.

I have, &c.,

CRITCHETT WALKER,
Principal Under Secretary.

A. Oliver, Esq., to The Principal Under Secretary.

Sir,

Crown Law Office, 13 October, 1882.

I am just now in receipt of your letter of the 11th instant, transmitting a report from the President of the Fisheries Commission respecting the case of Mr. Oliver, late Assistant Inspector of Fisheries at Eden, and requesting me to furnish any explanation which I may desire to make on the subject.

In reply, I beg to state that I have very little to add to my former explanation, of which a copy was forwarded to the Colonial Secretary, marked "confidential," which document has been returned to me by the Colonial Secretary.

The report of the President, however, is incorrect in the following particulars:—I gave notice of my intention to move for the abolition of the Twofold Bay Fisheries Inspectorship before I received from Mr. Quinan the first police report, and before Mr. Lindsay Thompson left Sydney (26th January).

I had determined on this course some time before the police reports came to my knowledge, and for the precise reason already stated by me in a letter to the Commissioners, viz., because I considered the office unnecessary.

I wrote a few days ago to Mr. Lindsay Thompson for information as to the date of notice of motion given by me, but it appears all records and minutes in his possession had been destroyed by the fire at the Garden Palace.

I may add that I was not aware until I read the police report that my brother had been misconducting himself in any way. I knew that shortly before the end of the year he had received a serious injury from a fall from his horse which confined him to his bed, and prevented him from being able to furnish his monthly reports.

But this constituted all that I knew of any failure on his part in the performance of his official duties.

There is another inaccuracy in this report. I never said to Mr. Quinan, on the occasion of his giving me the second police report, or on any other occasion, "I will bear you out in the matter." All I said to him was in effect that I would take upon myself any responsibility in connection with the papers. Mr. Quinan must remember that when I accepted the paper, I told him expressly that I did so simply for the purpose of forwarding them to Eden to a friend of mine to inquire into. He must also remember saying to me himself that the reports did not appear to affect Mr. Thos. Oliver as an Inspector, *i.e.*, officially. As I have already stated, had these Police papers affected my brother's conduct officially, I should not have thought it my duty to receive them from Mr. Quinan. As they did not so affect his character, I took them from Mr. Quinan for the purpose of making inquiries as to their truth.

I should not, I may add, have considered it incumbent on me to take any steps for the abolition of my brother's office, or for his dismissal, or for any other course, upon the statements contained in the reports of the Police officials. Nor do I see that I should have been expected to communicate the contents of these reports to my colleagues after I had sent them down to Eden, and before their return to me several weeks afterwards, inasmuch as they disclosed no *official misconduct*. When I received them back from Eden, Mr. Oliver, so far as I was aware, had ceased to be an officer of the Fisheries Commission.

I believe that I am to blame for not returning these documents to the Secretary of the Commission on my receipt of them from Eden. But as I have already said, I regarded them as of little or no further importance, laid them aside in a drawer, and thought no more about them until Mr. Quinan came to ask me for them.

The last inaccuracy in the President's report to which I desire to advert is contained in the statement that I undertook to procure my brother's resignation, and that in my proposition for the abolition of his office "I did not make the slightest allusion to the facts that I had then in my possession a complaint addressed to the Commissioner affecting my brother."

As a matter of fact I did not then have the "complaint" referred to in my possession. I had sent immediately on their receipt from Mr. Quinan, both the police reports to Eden, and did not get them back for several weeks after the Commissioners abolished the Eden inspectorship.

It is altogether a mistaken recital of the fact to state that at the meeting which decided on the abolition in question, I undertook to procure Mr. Thos. Oliver's resignation. What I undertook to do was to write and inform him that his office had been abolished, and that in effect his services were thereby discontinued. And this I did.

Why should I offer "to procure his resignation?" The recollection of the President, or of those with whom he has conferred on the matter, is here at fault—seriously at fault. It was long after the abolition of the office, and long after Mr. Thompson had notified my brother of its abolition, that when some question arose as to the confirmation or non-confirmation by the Colonial Secretary of the Board's "recommendation," a reference was made to "resignation." And then I mentioned privately to Mr. Thompson that as I had gone so far as to procure the abolition of the office, I should do my best to prevent any attempt of my brother to assert any right to receive his salary as an Inspector, and as if he were still an officer of the Commission.

Since February I understand that no salary has been paid to him, and that he has made no demand to be paid any salary, which I take to be a recognition by him of the fact that he is no longer in the service of the Fisheries Commission.

In conclusion I desire to add but one remark: If my course of action in connection with Mr. Thos. Oliver's office as an Assistant Inspector had been of a kind calculated to retain him in office, or to shield him from the consequences of official misconduct, I could have well understood the general
tenure

tenure of the President's report, and could have better appreciated the imputations it seems intended to convey. But whatever I have done has been done for the purpose of abolishing his office, and severing his connection with the administration of the Fisheries Act. Therefore it amazes—I might rather say—it exasperates me to think that my course of action has been made the subject of imputations which are utterly unjustifiable and unfounded.

I have, &c.,

ALEXR. OLIVER.

As Mr. Oliver incorporates with this statement the letter to the Commissioners (a copy of which he sent to me marked "confidential") an official copy of that letter must be obtained from the Commission and appended hereto.—H.P., 13/10/82. Original letter herewith.—C.W., 17/10/82.

A. Oliver, Esq., to The Secretary of the Fisheries Commission.

Sir,

Crown Law Office, 13 October, 1882.

In reply to your letter of the 11th instant, received by me this morning, asking me to obtain and furnish you with the resignation of Mr. Thomas Oliver, which you add "it was understood" that I promised in February last should be sent to the Commissioners, I beg to state, for the information of the Commissioners, that it is quite a mistake to suppose that I promised to obtain Mr. Thoꝝ. Oliver's resignation in February or at any other time. All I said was, I believe, said privately to Mr. Thompson, and it was to the effect that after the action taken in abolishing the Eden District, I would do all in my power to see that the intention of the Commissioners should be carried out. But whether said privately or to the Board all I undertook to do was to prevent Mr. Oliver from asserting his right to act as an Inspector, or to draw the salary of an Inspector.

Since February, Mr. Thompson informed me about a fortnight ago, no salary has been paid to him or demanded by him, which I take to be a recognition on his part of the discontinuance of his duties.

If I were to ask him to resign now he would no doubt decline to do so, and probably make some claim to back salary.

I have done all in my power to get rid of the Eden inspectorship, even at the cost to my brother of his office. If the recommendations of the Commissioners have not been confirmed, or if for any other reason these recommendations have failed to be as effective as I meant they should be, the fault is not mine. As the matter now stands it is not in my power to compel my brother to send in his resignation. For my own part I do not recognize him as an existing officer of the Fisheries Department. If he is, and the Board are desirous of giving effect to their former recommendations on this subject, I should think the proper course would be to ascertain whether or not Mr. Oliver is in their service, and if he is, to recommend either the confirmation of their former action, or his removal from office.

I may add, in conclusion, that since my brother has become acquainted with the fact that I took the initiative towards the abolition of his office he has resented my action in a very marked way, and in his present state of mind is about the most unlikely person I know to accede to any request from me.

I have, &c.,

ALEX. OLIVER.

Minute of The Colonial Secretary.

Colonial Secretary's Office, Sydney, 17 October, 1882.

I SEND under cover copy of a report by the late President of the Fisheries Commission (Mr. W. Macleay) on the conduct of Mr. Alexander Oliver, late a Member of the Commission, in intercepting a number of police documents, addressed to the Commission as a body, and keeping them from the knowledge of the Commission for a period of over six months. This report has been submitted to Mr. Oliver for his explanation, and I forward herewith his statement in reply, together with his letter to the Commissioners to which he refers.

As Mr. Oliver has resigned his office as Fisheries Commissioner, I send these and the other papers in the case to the Attorney-General, because he remains an officer of the Government under that Minister.

I regret to say that Mr. Oliver apparently does not see the impropriety of the course he has taken:—

1. In dealing individually as a member of the Fisheries Commission with a matter which ought to have been dealt with, and was intended to be dealt with, by the Commission in their corporate capacity, and withholding all knowledge of it from his co-Commissioners.
2. In endeavouring to defend this irregular course (to give it the mildest term) by drawing a distinction between misconduct of a public servant within official limits and outside official limits.

It must be obvious that if the views which Mr. Oliver appears to hold were allowed to prevail, the whole Public Service would speedily be disorganised. Though Mr. Oliver is no longer a member of the Fisheries Commission he is still as Parliamentary Draftsman, answerable for his acts while a member of that body. Of course every public officer is accountable for acts in any capacity whatever, which are inconsistent with correct conduct in his office.

The Attorney-General.

HENRY PARKES, 18/10/82.

Letter Parliamentary Draftsman, enclosing copy of the Colonial Secretary's and Attorney-General's minute, 27/10/82. The Principal Under Secretary.—W.W.S., B.C., 27/10/82.

The Secretary to the Attorney-General to A. Oliver, Esq.

Sir,

Attorney-General's Department, 27 October, 1882.

Referring to the correspondence which has taken place between the Colonial Secretary's Department, the Fisheries Commission, and yourself, respecting your action in the matter of certain police reports addressed to the above Commission, I am instructed by the Attorney-General to forward to you the enclosed copy of a minute which has been addressed to him on the subject by the Colonial Secretary, as also a copy of his own minute in reference thereto.

I have, &c.,

W. W. STEPHEN,

Secretary.

Minute

Minute of The Attorney-General.

I ENTIRELY concur in the opinion of the Colonial Secretary as to the impropriety of the course taken by the Parliamentary Draftsman, Mr. Oliver,—first, in dealing individually as a member of the Fisheries Commission with a matter which ought to have been dealt with, and was intended to be dealt with, by the Commissioners in their corporate capacity, and in withholding all knowledge of it from his co-Commissioners; and secondly, in endeavouring to defend this course by drawing a distinction between the misconduct of a public servant within official limits, and the misconduct of such servant outside official limits. In my judgment a public officer is accountable for misconduct, whether *official* or not, if such misconduct be of sufficiently grave a character to call for an explanation. To hold otherwise would be to allow the most serious improprieties to be committed by public servants with impunity, and would in the end inevitably lead to the demoralization of the Service itself.

It is with regret that I feel compelled to say that Mr. Oliver's explanation of his conduct in connection with the documents referred to in the Colonial Secretary's minute is far from satisfactory.

Mr. Oliver has, in my opinion, taken an altogether erroneous view of the duty and responsibility of a public officer, and his explanation is more especially unsatisfactory in that he fails to see, or at any rate to acknowledge, the irregularity of the course which he has pursued in this case.

R.W., A.G., 25/10/82.

The Secretary of the Fisheries Commission to The Principal Under Secretary.

Sir,

Fisheries Office, Sydney, 14 November, 1882.

I have the honor, by direction of the Commissioners of Fisheries, to apprise you, for the information of the Colonial Secretary, that, so far as they are aware, Mr. Thomas Oliver, who was appointed as Assistant Inspector of Fisheries at Eden, has not since February last performed any of the duties pertaining to his position, nor has he drawn any salary.

2. It is understood that the late Commissioners of Fisheries recommended the abolition of the office, and that in consequence Mr. Oliver ceased to continue his duties and to draw his pay; but as Mr. Oliver has never formally resigned his appointment, nor recognized the action of the Commissioners, they think that the Colonial Secretary should be made acquainted with the facts, in order that he may determine whether it will be necessary to recommend his removal from the Service, before his position can be again filled.

I have, &c.,

LINDSAY THOMPSON,
Secretary.

Mr. T. Oliver to The Secretary of the Fisheries Commission.

Sir,

Merimbula, 16 November, 1883.

I was rather surprised last mail by my brother informing me that you had not received my resignation of the Sub-Inspectorship of Fisheries, which I sent up, directed to you, some time back. I now again beg you to lay before the Commission my resignation. Since having heard of my having resigned the appointment I can hear of several supplying the steamers and others both with fish and oysters. It is a complete farce the way the Act is carried out down in this district, and it never will be carried out properly until the Inspector is found in the means of visiting the different harbours, and portions of the coast where the fish are caught and sent away from. As well might a sheep inspector sit in his office all day, until directed by the Government to inspect certain portions of his district placed under his supervision.

Hoping this will reach you in safety this time, and prove all that is needed,

I remain, &c.,

THOS. OLIVER.

The Secretary of the Fisheries Commission to The Principal Under Secretary.

Sir,

Fisheries Office, Sydney, 21 November, 1882.

Adverting to my letter, dated 14th instant, reporting that Mr. Thomas Oliver, of Eden, had ceased to perform his duties as Assistant Inspector of Fisheries, I have the honor to inform you that Mr. Oliver has since tendered his resignation, which will be laid before the Commissioners at their next meeting for consideration, and the result communicated to you in due course.

I have, &c.,

LINDSAY THOMPSON,
Secretary.

The Secretary of the Fisheries Commission to The Principal Under Secretary.

Sir,

Fisheries Office, Sydney, 24 November, 1882.

Adverting to my letter dated 21st instant and previous correspondence, respecting the proposed removal of Mr. Thomas Oliver from his position as Assistant Inspector of Fisheries, I have the honor, by direction of the Commissioners of Fisheries, to say that they desire to withdraw their recommendation for his removal, and to suggest that his resignation, of the receipt of which you were apprised by my letter above referred to, may be accepted.

I have, &c.,

LINDSAY THOMPSON,
Secretary.

May perhaps be accepted.—C.W., 27/11/82. Resignation may be accepted.—II,P.

The Secretary of the Fisheries Commission to Mr. T. Oliver.

Sir, Fisheries Office, Sydney, 27 November, 1882.
 I have the honor, by direction of the Commissioners of Fisheries, to acknowledge the receipt of your letter dated 16th instant, announcing your resignation of the position as Assistant Inspector of Fisheries, and referring to a previous letter tendering it, which, I have to inform you, was not received.
 2. In apprising you that your resignation will be forwarded for the acceptance of the Government, I am to convey the thanks of the Commissioners for the information you have been good enough to tender, respecting the Fisheries in the Eden district.

I have, &c.,
 LINDSAY THOMPSON,
 Secretary.

The Principal Under Secretary to The Secretary of the Fisheries Commission.

Sir, Colonial Secretary's Office, Sydney, 14 December, 1882.
 Referring to your letter of the 24th ultimo, I am directed by the Colonial Secretary to state, for the information of the Commissioners of Fisheries for New South Wales, that the resignation of Mr. Thomas Oliver, of the situation of Assistant Inspector of Fisheries, has been accepted.

I have, &c.,
 CRITCHETT WALKER,
 Principal Under Secretary.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. JOHN SWIFT, CUSTOM HOUSE OFFICER, BREWARRINA.
(DISMISSAL OF—PAPERS.)

Ordered by the Legislative Assembly to be printed, 10 April, 1888.

RETURN to an *Order* of the Honorable the Legislative Assembly, dated 10 April, 1888, That there be laid upon the Table of this House,—
“Copies of all papers and documents in connection with the dismissal of
“Mr. Swift, Custom House Officer at Brewarrina.”

(Mr. Waddell.)

SCHEDULE.

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No. 1.

The Chief Inspector Public Revenue Collectors' Accounts to The Under Secretary
for Finance and Trade.

Inspecting Branch, Treasury, New South Wales,
Sydney, 30 December, 1887.

REPORT of Mr. Inspector Pinhey, No. 328, of 17th December, 1887, on the Public Revenue Accounts of Brewarrina, submitted for the information of the Honorable the Colonial Treasurer.

Remarks by the Chief Inspector.

THIS report shows that the accounts of the various Collectors of Public Revenue at Brewarrina were all in a satisfactory state, except those of the Sub-Collector of Customs. This officer, it seems, has failed to collect certain duties, to the amount of £69 6s., and entered the goods in his Warehouse Register as having been bonded, although in reality they never passed through the bond.

It is evident from the report, that for some time past Mr. Swift has given way to habits of intemperance, which have unfitted him for the right discharge of his duties. It is necessary, I consider, for the protection of the Revenue, that steps should be taken to relieve Mr. Swift of his responsibility, and appoint a more reliable person. If placed under supervision, in Sydney or elsewhere, Mr. Swift might still be able to render good service to the State.

I would suggest that the Appendix to Mr. Pinhey's report, and Mr. Swift's letter, be forwarded to the Collector of Customs, for such action as he may deem necessary for the due protection of the Revenue at this place.

F. KIRKPATRICK,
For Chief Inspector.

For Mr. Powell.—J.F.B., 31/12/87. The Collector of Customs.—J.T. (for U.S.), B.C., 31/12/87.

598—A

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[Enclosure

[Enclosure (No. 1) to No. 1.]

Sir, Customs, Brewarrina, 16 December, 1887.
The enclosed draft is for—V 59, 1½ cask rum; W 59, 10 cases Geneva; X 59, 1½ cask brandy, that were missing when Mr. Pinhey inspected my bond. I may state that the consignees took from the steamer in error, thinking they were duty paid, when the error was discovered. I applied to them for payment, for which the enclosed draft is for payment. Trusting this will be sufficient explanation of my oversight, I have, &c.,
The Under Secretary for Finance and Trade, Sydney. JNO. SWIFT.

[£69 6s. credited 19th December, 1887.]

[Enclosure (No. 2) to No. 1.]

REPORT on the Public Revenue Accounts of Brewarrina, which were inspected between the 12th and 16th December, 1887.

Mr. John Swift, Sub-Collector of Customs:—

1. Have his collections been duly forwarded to the Treasury? Yes.
2. Have all the books been written up to date? The notations in the warehouse register were somewhat in arrear.
3. Have they been carefully kept? No; in some instances carelessly.
4. What period has your present inspection embraced? March, 1885—December, 1887.
5. What is the general result of your inspection? The general result of this inspection has not proved satisfactory.

(See Appendix to Report.)

CHARLES PINHEY,

Inspector of Public Revenue Collectors' Accounts.

Brewarrina, 17 December, 1887.

APPENDIX to Report No. 328, Brewarrina Accounts.

December 17, 1887.

The accounts of this Officer were not in a satisfactory state. At the date of my visit—on the 16th instant—the notations in the warehouse register were considerably in arrear, and in some instances the entries made proved to be wrong or imperfect. His supervision of the bond is lax.

It is evident that he relies almost wholly upon the merchants—on whose premises the bond is placed—to afford him information as to the goods taken from the bond, and upon which duty may be payable.

The undermentioned goods were entered in his warehouse register as having been bonded on the 27th August last, shown in his return (of 30th of September) to the Auditor-General as being still in bond, and at the time of my inspection were open in the register; yet the packages had been taken from the steamer's side direct to the merchant's store without payment of duty, and without even passing through the bond, viz. :—

	Duty.	
V 59. One qr. cask rum = 28 galls.	=	£26 5 0
W 59. Ten cases Geneva = 40 galls.	=	23 7 8
X 59. One qr. cask brandy = 28 galls.	=	19 13 4
		£69 6 0

There is no question of Mr. Swift's integrity in this transaction.

Messrs. M'Mahon & Co., on going through their books, admitted the receipt of the goods and the non-payment of the duty.

It is possible that Mr. Swift may continue to perform the duties of his position by a strict adherence to his instructions by closely supervising the bond operations, and by acting independently of the merchants using the bond.

At the present time his mental powers are somewhat clouded, and his capacity for work enfeebled, but this might perhaps be remedied by more carefully regulating his mode of life.

CHARLES PINHEY.

The Chief Inspector of Public Revenue Collectors' Accounts.

No. 2.

The Inspector of Customs to The Collector of Customs.

Sir,

Brewarrina, 12 January, 1888.

I have not yet got to the bottom of the Brewarrina accounts, and consequently cannot give you a formal report, but I am perfectly certain that Mr. Swift must be removed as soon as possible.

Whether from drink or disease (or perhaps both), he seems more than half silly, and for that reason alone he is quite unfit to be left here any longer.

I have, &c.,

CHARLES E. GORDON,
Inspector of Customs.

No. 3.

Telegram from The Inspector of Customs to The Collector of Customs.

Brewarrina, 14 January, 1888.

I STRONGLY recommend Swift's immediate removal and appointment of successor. Cannot adjust bond accounts whilst he is here; brain seriously affected; letter will reach you Monday.

CHARLES E. GORDON,
Inspector of Customs.

Let Mr. Swift be suspended from duty.—J.F.B., 14/1/88.

No. 4.

The Inspector of Customs to The Collector of Customs.

Sir,

Brewarrina, 14 January, 1888.

I beg to forward herewith a certificate from Dr. Hawkins, M.D., Medical Officer for the district and local hospital, as to the state of Mr. J. Swift's health.

My own opinion, based upon an attentive observation of his conduct, &c., since my arrival here, is that unless he is removed without delay he will become permanently insane, as his actions even now are certainly not those of a person in the full possession of his senses.

The

The Police Magistrate, Mr. Thomson, tells me that Mr. Swift has shown a strong suicidal tendency, and I have to be particularly careful not to do or say anything likely to irritate him, and consequently cannot thoroughly investigate his accounts while he is in charge of the Customs here.

Whatever may be afterwards decided as to his future employment, or superannuation, there is no doubt whatever but that he must be removed from Brewarrina as speedily as possible and a successor appointed.

I have, &c.,

CHARLES E. GORDON,
Inspector of Customs.

[Enclosure to No. 4.]

Brewarrina, January 14, 1888.

I HEREBY certify that John Swift has been for the last year under my treatment.

He has been in this town for eleven years, out of which time he could not get any fresh vegetables for the first three years, and during the late drought the price of vegetables was prohibitory. I consider that permanent injury has been done to his health, and that he is unfit to continue in his present office.

M. HAWKINS, M.D.

No. 5.

The Collector of Customs to The Under Secretary for Finance and Trade.

Reporting suspension of John Swift, Brewarrina.

Sir,

Custom House, Sydney, 23 January, 1888.

Referring to the enclosed report from the Inspector of Customs, I beg to recommend that the services of Mr. John Swift, Sub-Collector of Customs at Brewarrina, be dispensed with.

Mr. Swift is mentally and physically unable to discharge the duties of his office. The state of his health and the nature of his habits render it necessary to remove Mr. Swift.

Acting upon instructions from the Honorable the Treasurer, I have suspended Mr. Swift from duty, and instructed him to return to Sydney.

I have, &c.,

JAMES POWELL,
Collector of Customs.

The suspension of Mr. Swift is approved, who can now be asked to furnish any explanation he may have to offer.—J.F.B., 1/2/88. The Collector of Customs.—G.E., B.C., 2/2/88.

[Enclosure to No. 5.]

Sir,

Custom House, Sydney, 23 January, 1888.

In obedience to your order, I, on the 4th, started for Brewarrina. On arrival there I found all the books and accounts in the very utmost confusion, and Mr. Swift certainly not in the full possession of his senses.

He had made no attempt whatever to prepare his Audit Office return for the December quarter, though these documents are required to be posted not later than the 10th.

On the 7th January I discovered that about £99 of duty (representing collections 1st to 7th January) had not been collected, though the goods had been delivered from bond on the 3rd and 4th.

Various goods, represented by about £1,600 of duty, were, it since appeared, delivered for exportation to Queensland, under bond, by Mr. Swift on or about the 3rd January, of which no records appeared in the Warehouse Register, nor had bonds, advice notes, or entries been completed for the same.

Sundry goods (in addition to those discovered by Mr. Pinhey), the duty on which amounted to over £22, had apparently been delivered *ex* warehouse for H.C. without payment of duty or passing of entries.

Mr. Swift, being hopelessly incapable, I took entire charge on the 16th, made out all the Audit Office returns, and balanced the Warehouse Register with the actual stock in bond, and handed over the same to Mr. Fussell on the 18th January.

The Manager (Mr. Parsons) for Willis & Co., the bonded store proprietors, will to-day pay to Mr. Fussell the duties due on all missing goods, and in the absence of any Customs record I have, with sundry necessary alterations, taken Mr. Parsons' list of goods said to have been forwarded under bond to Queensland on the 3rd January, any goods mentioned therein not acknowledged by the Queensland officer in the usual way, to have the duties due paid by Willis & Co., as provided in the bond.

Through the effect of drink and disease I am reluctantly compelled to give it as my opinion that Mr. Swift's services are utterly useless to the Department.

I have, &c.,

CHARLES E. GORDON,
Inspector of Customs.

The Collector of Customs.

No. 6.

The Collector of Customs to Mr. John Swift.

Sir,

Custom House, Sydney, 3 February, 1888.

Referring to your suspension from duty as Sub-Collector of Customs at Brewarrina, I am directed by the Honorable the Colonial Treasurer to call upon you for any explanation you may have to offer of the irregularities reported by the Travelling Inspector, viz. :—

That he found all your books and accounts in the very utmost confusion.

That you had made no attempt up to the 23rd January to prepare returns for the Audit Office, which should have been posted not later than the 10th January.

That goods had been delivered from Warehouse on the 3rd or 4th January, representing a duty value of about £99, without such duty being collected.

That various goods, representing a duty value of about £1,600, were delivered for exportation to Queensland on or about 3rd January, of which no record appeared in your Warehouse Register, nor had bonds, advice notes, or entries been completed for same.

That sundry goods, representing a duty value of upwards of £22, had apparently been delivered from Warehouse for home consumption without payment of duty or entries being passed.

The Treasury Inspector of Public Accounts also reports :—That goods, representing a duty value of £69 6s., were entered in the Warehouse Register as having been bonded on the 27th August, and shown in your return to the Auditor-General of 30th September as being still in Bond, yet the packages had been taken from the steamer's side direct to the merchant's store without payment of duty.

I have, &c.,

JAMES POWELL,
Collector of Customs.

No. 7.

No. 7.

The Collector of Customs to The Under Secretary for Finance and Trade.

Sir, Custom House, Sydney, 7 February, 1888.
Herewith I beg to return the papers in connection with the suspension of Mr. Swift from duty as Sub-Collector of Customs at Brewarrina, with an explanation from that officer.

The report from Mr. Pinhey, Inspector of Revenue Collectors' Accounts, shows clearly that the bond at Brewarrina has been only nominally under the control of the Sub-Collector, and that the proprietors of the bond have been left to do as they please, fortunately without loss to the revenue.

The report from Mr. Inspector Gordon (Customs) confirms the report from Mr. Pinhey, and shows that the business of the port has been neglected for some time past.

The bond referred to by Mr. Swift is a blank form signed by certain persons. The document is utterly valueless as a security for the due exportation of dutiable goods.

I have, &c.,
JAMES POWELL,
Collector of Customs.

Prepare a minute for the Executive, recommending that Mr. Swift be removed from the Public Service.—J.F.B., 16/2/88.

[Enclosure to No. 7.]

Sir, 77, Cumberland-street, Sydney, 4 February, 1888.

In reference to your letter of yesterday, asking for any explanation I may have to offer to the Honorable the Colonial Treasurer, of the irregularities reported by the Travelling Inspector, I have the honor to reply,—

1st. That he found my books and accounts in the utmost confusion :

My accounts were not in confusion ; they were correct, both money received and balance in Bank. The only confusion in my books was, that a quantity of goods were exported to Queensland ; the teams that were bringing them across the border had to return on account of the heavy rain ; in the meantime I had them written off in the warehouse register as exported to Queensland and completed ; when the teams returned and the goods were transhipped on other teams with stronger bullocks, I exported them on other warrants, for which bond had been signed for double the amount of duty.

2nd. That I made no attempt up to the 23rd January to prepare returns for the Audit Office, which should have been posted not later than 10 January :

I forwarded my returns for December to the Custom House first, and also attested accounts and transcript of cash-book to the Audit Office early, and had Warehouse Register leaves in book form ready to copy, but had no time. I was for three months previous laid up under the doctor's care, and could only attend for about an hour each day when goods were required from bond ; only for illness my returns would be down in proper time.

3rd. That goods were delivered from warehouse on the 3rd or 4th January, representing a duty value of about £99, without such duty being collected :

The above goods were consigned to many stations in the back country, and only a portion of them were completed. When all orders for goods are taken out of bond and counted, then entries are passed and duty paid on the whole lot, but if taken out of bond that day, after banking hours, I would get a cheque for full amount next morning.

4th. That various goods, representing a duty value of about £1,600, on or about the 3rd January, for which no record appeared in your warehouse register, nor had bonds, advice notes, or entries been completed for same :

These are the same lot of goods that were short shipped and afterwards forwarded to Queensland by other teams. Entries, advice notes, &c., were not complete, and could not be posted up in warehouse register, but a fresh or new bond for double the amount of duty was signed and sealed ; the goods were exported the second time under the original Brewarrina Bond Mark.

5th. That sundry goods representing a duty value of upwards of £22 had apparently been delivered from warehouse for home consumption without payment of duty or entries being passed :

The goods may have been taken out after banking hours, and as I had no safe I always wait until next morning to pass entries ; every week I take stock of goods in bond and compare with the warehouse register, and if any goods were short, duty was paid at once. The manager of the Bond at Brewarrina told Mr. Gordon if there was any goods short to inform him, that he would dispute nothing but give a cheque for full amount. There is nothing now owing to the Treasury for duty at Brewarrina.

6th. The Treasury Inspector of Public Accounts also reports that goods representing a duty value of £69 6s. were entered in the warehouse register as having been bonded on the 27th August, and showing in your return to Auditor-General of 30th September as being still in bond, yet the packages had been taken from the steamer's side direct to the merchant's store without payment of duty :

When the above goods arrived ex steamer from Bourke, I had no despatch-notes, or papers of any kind, not for weeks after they arrived in Brewarrina. When I received despatch notes I went to the merchants (McMahon Brothers & Callaghan), and asked them if they received such goods. They informed me they had received them weeks ago. I told them they must pay the duty for them. They say they would, and as that was their first consignment of goods to them under bond they would be more particular in future. Then I entered them in the warehouse register as in bond. The next morning I was again under medical treatment for some days, and forgot to call for cheque when I came to the office ; but when I would be making my quarterly accounts I would be sure to find it out, as the goods were entered in the warehouse register.

Blank bond and of no value.—J.P.

Did not report inability to attend to his duties.—J.P.

Goods should not be delivered until duties paid.—J.P.

Goods should not be removed until duty paid or exported under bond and entered.—J.P.

Did not apply for a safe.—J.P.

The officer is paid to see that goods are not taken from bond without payment of duty, &c.—J.P.

Very unsatisfactory explanation.—J.P.

Marginal annotations by the Collector of Customs.

The

Marginal annotations by the
Collector of Customs.

Collection of duty due to the
act of Treasury Inspector.—
J.P.

Did not report the non-receipt
of despatch note.—J.P.

The Treasury Inspector, after going over stock in bond and warehouse register found these three items not in bond. I explained how it occurred. We then went to the merchants' store and asked for the duty, and as it was after the Bank had been closed, I called next morning and got a cheque for the amount and forwarded to the Treasury on a separate Consolidated Revenue Fund form, for which I received a Treasury receipt.

Trusting the Honorable the Colonial Treasurer, when considering my suspension, will please take all extenuating circumstances of the difficulty of keeping a bonded warehouse in an inland town like Brewarrina where goods many times arrive before the despatch notes, when we have so much exportation to Queensland, and many times goods are returned owing to bad roads, flooded creeks, teams breaking down, &c., which helps to cause confusion in the bond, which unfortunately was the case at the time when Mr. Travelling-Inspector Gordon arrived at Brewarrina.

I further pray the Honorable the Colonial Treasurer will consider my past services of eleven years at Brewarrina, which have been gone through without any reprimand from my superior officers.

To the Collector of Customs.

I have, &c.,
JNO. SWIFT.

No. 8.

Minute Paper for the Executive Council.

Subject:—Services of Mr. John Swift, Sub-Collector of Customs at Brewarrina, dispensed with.

(No. 14.)

The Treasury, New South Wales, Sydney, 20 February, 1888.

THE Colonial Treasurer begs to submit to His Excellency the Governor and the Executive Council, the accompanying papers in the case of Mr. John Swift, Sub-Collector of Customs at Brewarrina. Upon the report of the Collector of Customs that Mr. Swift was "mentally and physically unable to discharge the duties of his office," and that "the state of his health and the nature of his habits render it necessary to remove him," Mr. Swift was suspended from duty, and instructed to return to Sydney, and was duly called upon for an explanation. Such explanation having been received, and not being considered satisfactory, the Treasurer recommends that Mr. Swift's services be dispensed with from this date.

J. F. BURNS.

His Excellency the Governor and the Executive Council.

Under the reports herewith submitted the Executive Council advise that the services of Mr. John Swift, Sub-Collector of Customs, Brewarrina, be dispensed with.—ALEX. C. BUDGE, Clerk of the Council.

Approved.—CARRINGTON, 21/2/88. Min. 897, 21/2/88. Confirmed, 28/2/88.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. JOHN ROCHE ARDILL.

(PETITION OF.)

Received by the Legislative Assembly, 5 October, 1887.

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

The humble Petition of John Roche Ardill,—

MOST OBEDIENTLY SHOWETH,—

That your Petitioner is a Licensed Surveyor of the Colony of New South Wales, and in such capacity made several surveys in accordance with instructions issued to licensed surveyors by the Surveyor-General and in compliance with the 16th section of the Crown Lands Alienation Act of 1861.

That your Petitioner's surveys were subsequently, on examination, proved to be correct; nevertheless the Surveyor-General refused to accept your Petitioner's plans of survey, or to pay for the surveys, by which your Petitioner has lost heavily, both in money and in reputation.

That your Petitioner also made a survey of three pastoral holdings, namely, Monument Flats, Kolcoberto North, and Booramble South, in the pastoral district of the Lachlan, and leases of the said holdings or runs were submitted to public auction at the instance of the Government by Messrs. Richardson & Wrench, auctioneers in Sydney, in which sale, and by the said auctioneers, your Petitioner's plans of survey were used, and that the said runs brought one hundred and seven pounds sterling as rent and a premium of six hundred pounds sterling—the former sum being per annum—and the Government refused to pay, and still refuses to pay, your Petitioner for his labour and plans of survey, at which your Petitioner is very much aggrieved and has suffered very heavily both in mind and pecuniarily, and now supplicates your honorable House to take the premises into your early consideration, and grant relief.

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

JOHN ROCHE ARDILL, L.S.

Borenore, 1st October, 1887.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. J. M. BEATTY.

(PETITION OF.)

Received by the Legislative Assembly, 23 May, 1888.

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

The Humble Petition of James Macartney Beatty, of St. Leonards,—

HUMBLY SHOWETH:—

In 1861, your Petitioner was appointed Telegraph Station-master at Deniliquin, at £300 per annum. In February, 1863, your Petitioner was unpacking sulphuric acid for his battery when a carboy of the acid burst over him, destroying the whole of the skin, from his chest downwards. Your Petitioner was confined to his bed for nearly twelve months, suffering the most acute agony; at the end of that time he was enabled to leave his room, his constitution ruined, and all the savings of years swept away. As soon as your Petitioner was able to move, he came to Sydney in order to obtain change of air, and also for the purpose of claiming compensation for his heavy medical and other expenses. Mr. Arnold was at the time Minister for Works, your Petitioner's application came before him, after waiting for a fortnight your Petitioner was informed that there was no precedent for his request, and that therefore nothing could be done for him. Mr. Augustus Morris (then Member for Balranald) kindly brought his case before Parliament, but unsuccessfully. At the same time Mr. Morris and several other gentlemen waited upon the Ministry of the day, and a distinct promise of compensation was made; yet nothing was ever given, although it was proved that the accident was caused by bad packing of the acid. Your Petitioner suffered very severely from time to time ever since with rheumatic pains in the part most affected by the acid, and the prediction of the doctors, who then attended him, has been fulfilled, that his nerves had received such a shock that sooner or later he should be troubled with nervousness. Your Petitioner has for a long time been unable to write with his right hand. Your Petitioner was permitted on payment of £50, as a bonus to the station-master at Kiama, to exchange with him. After being there some time he received a letter informing him that he must resume his duties at Deniliquin or give up the appointment, but that if he liked he could remain at Kiama at a salary of £150. Your Petitioner was forced to accept this offer owing to his health. After a time he was asked if he would accept the office at Burrowa, at a salary of £200, with quarters, which he agreed to do. When your Petitioner arrived, accompanied by his wife he found there were no quarters, and was obliged to live at an hotel. This lasted for some time. We then received orders from the Postmaster-General (Mr. Egan) to live on the premises where the Post and Telegraph business was carried on. The room used as an office measured 16 x 16 feet; a portion of this, 6 feet in width, was cut off for the use of the public. Although your Petitioner wrote to the Department stating that it was impossible to live there, he was obliged eventually to remove into this place, and, in a space of 16 feet by 10, his wife and himself were compelled to do the business of three offices—Post, Telegraph, and Money Order—as well as to cook, wash, sleep, and have meals. As the result of these hardships your Petitioner's wife was attacked by diphtheria and typhoid fever. Through these complaints and miseries, your Petitioner attended to his official duties, mails arriving and leaving in the middle of the night. At the end of six weeks of utter misery, your Petitioner was attacked by diphtheria. When he had partly recovered, he had to send his wife to the coast to save her life. Your Petitioner's own health was completely broken; moreover, owing to the large amount of work, he neglected himself, had no regular meals, and, too ill to care about eating at all, was reduced to a dreadful state of weakness. One afternoon a friend of his, Mr. Dease, now dead, came into your Petitioner's private room and found him lying on the floor, suffering torture from cholera. He left, brought brandy and laudanum, and gave your Petitioner a heavy dose, which put him to sleep and saved his life. In the middle of the night he was awakened, or partly so, by the mailman coming for the Sydney mail. The end of it was that your Petitioner made a mess of the mail and was dismissed in consequence. Your Petitioner was thus deprived of his employment through no fault of his own, but as a consequence of the cruelty which compelled him to live in that wretched place. So fully convinced did the then Postmaster-General (your Petitioner thinks it was Mr. Docker) appear to be of the justice of his claim for rent, that he was allowed one quarter's rent (£10), but this was afterwards disallowed. A short time after this your Petitioner was appointed to a situation in the head

head office, Sydney, which he held for a good while—till June, 1878. Owing to a mistake committed by the Messenger's Branch, but which was attributed to him, your Petitioner was suspended. Mr. Lambton went over the case and fully acquitted him of blame in the matter. Mr. Burns, then Postmaster-General, asked if your Petitioner wished to be reinstated, but he declined, on the ground that he thought the personal feeling against him of a certain officer, whom your Petitioner will not mention, would make his tenure of office too precarious. The next day your Petitioner met Mr. Whitton, Engineer-in-Chief of Railways, who gave him employment on the temporary staff of his branch for eighteen months, until different arrangements having been made in the Department, his services were no longer required. Your Petitioner was then transferred to the permanent staff in the Railway Traffic Branch, in which he was employed for eighteen months at Murrumburrah, ostensibly as telegraph operator, but really as night station-master. Your Petitioner's duties were to attend to the telegraph and to receive and despatch all trains, to make up books, and to issue tickets from 7 p.m. to 7 a.m. This work was killing, and your Petitioner was obliged to send in his resignation with a medical certificate. Your Petitioner was then employed in the Lands Department, where he remained nine years until the reduction of the staff twelve months ago.

Your Petitioner's services may therefore be summed up thus:—Telegraphs, permanent staff, thirteen years; Railways, temporary staff, one and a half years; Railways, permanent staff, one and a half years; Lands, temporary staff, nine years. An allowance has been made your Petitioner in respect of the nine years' service in the Lands Department, but none in respect of sixteen years of service in Telegraph and Railway Departments. Your Petitioner is nearly 60 years of age, and broken health, and although, still competent to perform the duty from which he has been dismissed, is unable to obtain employment sufficient to enable him to live, and support his wife and family. All your Petitioner's troubles—finally likely to end in utter ruin—have followed upon and are indirectly, yet in a sense necessarily the consequence of the terrible and almost fatal accident, occurring to him when employed in the Government service and the result of the negligence of others responsible to the Government for which accident—contrary as your Petitioner humbly submits—to all natural justice, and to what he has always understood to be the practice of all employers, he has never been compensated.

Your Petitioner now respectfully submits these facts for your consideration.

Your Petitioner, therefore, humbly prays that your Honorable House will take the foregoing matters into your consideration and do what your Honorable House thinks right under the circumstances.

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

JAMES M. BEATTY.

1st May, 1888.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

CLAIMS OF CAPTAIN ROSSI;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
9 *February*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-S.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 6. THURSDAY, 29 SEPTEMBER, 1887.

17. CLAIMS OF CAPTAIN ROSSI:—*Mr. Hugh Taylor*, for Mr. Hurley, moved, pursuant to Notice,—
- (1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the claims of Captain F. R. L. Rossi.
- (2.) That such Committee consist of Mr. Abbott, Dr. Ross, Mr. Teece, Mr. Rylie, Mr. Ball, Mr. William Clarke, Mr. Walker, Mr. Kethel, Mr. Hugh Taylor, and the Mover.
- Debate ensued.
Question put and passed.
-

VOTES No. 33. FRIDAY, 25 NOVEMBER, 1887.

2. CLAIMS OF CAPTAIN ROSSI:—*Mr. Cameron*, for Mr. Hurley (*by consent*), moved, without Notice, That the Return to Address, "Captain Rossi, late Registrar of the District Court, Goulburn," laid upon the Table and ordered to be printed 28th February, 1884, be referred to the Select Committee now sitting on "Claims of Captain Rossi."
Question put and passed.
-

VOTES No. 50. THURSDAY, 9 FEBRUARY, 1888.

2. CLAIMS OF CAPTAIN ROSSI:—*Mr. Cameron*, for Mr. Hurley, 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 consideration and report this subject was referred on 29th September, 1887.
Ordered to be printed.
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1887-8.

CLAIMS OF CAPTAIN ROSSI.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 29th September, 1887, “with power to send for persons and papers to inquire into and report upon the claims of Captain F. R. L. Rossi,” and to whom was referred, on the 25th November, 1887, “a Return to Address, intituled ‘Captain Rossi, late Registrar of the District Court, Goulburn,’ laid upon the Table, and ordered to be printed, 28th February, 1884,”—have agreed to the following Report:—

Your Committee having examined the witnesses named in the List* See List, page 5. (whose evidence will be found appended hereto), and carefully considered the Return to Address referred to them, find:—

That Captain Rossi has been reduced from £300 per annum to £75, which office he held for nine years; and that promises of restoration of salary and position have been repeatedly made by various Governments.

Your Committee seriously recommend the Government to favourably consider his case, and make such restitution as his case deserves.

JOHN HURLEY,
Chairman.

No. 3 Committee Room,
Sydney, 8 February, 1888.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 11 OCTOBER, 1887.

MEMBERS PRESENT:—

Mr. Hurley,	|	Dr. Ross,
Mr. Ryrie,	|	Mr. Teece.

Mr. Hurley called to the Chair.

Entry from Votes and Proceedings appointing the Committee, read by the Clerk.
Committee deliberated.

Ordered,—That Captain Rossi be summoned to give evidence next meeting.

[Adjourned to To-morrow, at half-past *One* o'clock.]

WEDNESDAY, 12 OCTOBER, 1887.

MEMBERS PRESENT:—

Mr. Hurley in the Chair.

Mr. Ball,	|	Dr. Ross,
Mr. Walker,	|	Mr. Teece,
Mr. Hugh Taylor,	|	Mr. Ryrie.

Mr. Teece called to the Chair (*pro tem.*).

Captain Francis Robert Lewis Rossi called in, sworn, and examined.

The Chairman entered the room and took the Chair.

Witness withdrew.

Committee deliberated.

Ordered,—That the Hon. H. E. Cohen and Mr. J. O'Connor be summoned to give evidence at next meeting.

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

TUESDAY, 18 OCTOBER, 1887.

MEMBERS PRESENT:—

Mr. Hurley,		Mr. Ball.
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In the absence of a quorum, the meeting called for this day lapsed.

THURSDAY, 20 OCTOBER, 1887.

MEMBER PRESENT:—

Mr. Ball.

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

THURSDAY, 27 OCTOBER, 1887.

MEMBERS PRESENT:—

Mr. Hurley in the Chair.

Mr. Ball,	|	Dr. Ross,
Mr. Teece,	|	Mr. Walker.

Captain Francis Robert Lewis Rossi called in and further examined.

Witness withdrew.

Committee deliberated.

Reassembling of the Committee to be arranged by the Chairman.

TUESDAY, 1 NOVEMBER, 1887.

MEMBER PRESENT:—

Mr. Ryrie.

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

FRIDAY,

FRIDAY, 18 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. Hurley in the Chair.
Mr. Ball, | Mr. Walker,
 |
 | Mr. Ryrie.

Mr. John O'Connor called in, sworn, and examined.
Witness withdrew.
Committee deliberated.

[Adjourned to Thursday week, at *Two* o'clock.]

THURSDAY, 1 DECEMBER, 1887.

MEMBER PRESENT :—

Mr. Hurley.

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

THURSDAY, 8 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ball, | Mr. Hugh Taylor.

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

THURSDAY, 22 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Hurley in the Chair.
Mr. Ball, | Mr. Hugh Taylor.

Entry from Votes and Proceedings referring Return to Address, laid upon the Table and ordered to be printed, 28 February, 1884, read by the Clerk.
Committee deliberated.
Reassembling of the Committee to be arranged by the Chairman.

WEDNESDAY, 8 FEBRUARY, 1888.

MEMBERS PRESENT :—

Mr. Hurley in the Chair.
Mr. Ball, | Mr. Teece,
 |
 | Mr. Walker.

Chairman submitted Draft Report.
Same read and agreed to.
Chairman to report to the House.

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1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

CLAIMS OF CAPTAIN ROSSI.

WEDNESDAY, 12 OCTOBER, 1887.

Present:—

MR. BALL,		MR. RYRIE,
MR. HURLEY,	|	MR. H. TAYLOR,
DR. ROSS,	|	MR. TEECE,
	MR. WALKER.	

W. TEECE, ESQ., WAS ELECTED CHAIRMAN PRO TEM.

Captain Francis Robert Lewis Rossi called in, sworn, and examined:—

1. *Chairman.*] Are you a captain in the Volunteer Force? Yes.
2. Did you present a petition to Parliament on the 16th April, 1884? Yes.
3. Is this a copy of your petition? Yes, it is as follows:—

To the Honorable the Members of the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of Francis Robert Lewis Rossi, Captain, Volunteer Force, of Rossville, Goulburn,—

HUMBLY SHOWETH:—

That your Petitioner, in the year one thousand eight hundred and seventy, was appointed to an office in the Civil Service, as Registrar of the District Court, Goulburn, at a salary of £300 per annum; that salary was, before the expiration of one year, reduced to £75 per annum. That your Petitioner's continuation in office was the result altogether of the invitation from the head of his department, Sir James Martin, and of the assurance of his expectation that your Petitioner's salary would be restored and a sum given "to make good to him the difference between the £75 voted and the amount originally proposed," and your Petitioner was asked by Sir James Martin if he would "continue to hold office in this expectation."

Your Petitioner remained in office till the end of one thousand eight hundred and eighty, at such reduced rate (receiving throughout that time repetitions of expectations and hopes held out), when he was deprived altogether of the office of which he had throughout the course of so many years faithfully performed the duties.

That the office your Petitioner held involved the duties of Chief Registrar over about sixteen Southern District Courts, whose correspondence, returns, &c., were required to be passed through your Petitioner's hands before reaching the Department of Justice or the Judge.

That several years after the reduction of salary your Petitioner was called upon by the Government to make good, and did make good, a deficiency of several pounds in the accounts of one of the subordinate Registrars who had died.

That your Petitioner continued for ten years in the faithful discharge of the duties required of him, without receiving from the Government any compensation for the loss of his salary or any offer of any kind until ten years and a half had elapsed.

That your Petitioner applied, following upon this loss of office, for another appointment; and for the first time, in March of the year one thousand eight hundred and eighty-one, an offer of the clerkship of Petty Sessions at Tumut was made to him, which he accepted wholly, but which Sir Joseph George Long Innes, then Minister of Justice, learning more of your Petitioner's position, suggested he might withdraw from the acceptance of, Sir Joseph George Long Innes saying that such withdrawal should not be allowed to militate against your Petitioner's claim, as stated in the minute of that Minister on the twentieth day of April, one thousand eight hundred and eighty-one.

That at the time of the reduction of your Petitioner's salary, the salaries of the Registrars of Albury, Bathurst, and Armidale were similarly reduced, but each of such received compensation without delay by appointment to other offices.

That

Captain
F. R. L. Rossi.
12 Oct., 1887.

Captain
F. R. L. Rossi.
12 Oct., 1887.

That upon the Police Magistracy of Goulburn becoming vacant, about a year ago, your Petitioner applied for the position, but was unsuccessful in obtaining it, but received an offer from the present Government of the office of Clerk of Petty Sessions at Grenfell. That your Petitioner wrote in reply that he would have considered it his duty to accept, but that the circumstances surrounding the offer were similar to those affecting the offer of Tumut, from which, as explained, your Petitioner had been relieved.

That your Petitioner, by reason of the circumstances detailed, has suffered a loss of £225 per annum since one thousand eight hundred and seventy, for which he has never received any adequate offer of compensation, though your Petitioner had been then invited by the then Minister of Justice to state in figures the amount of your Petitioner's claim for compensation.

That your Petitioner therefore humbly prays that your Honorable House will cause inquiry to be made on the premises, and that such redress may be afforded to your Petitioner as to your Honorable House may seem fit.

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

F. R. L. ROSSI,
Captain.

No. 1 Coffee Palace, Sydney,
15 April, 1884.

4. You pray Parliament in this petition to grant you redress for the grievances set forth. Were you Registrar of the District Court at Goulburn? Yes, at a salary of £300 per annum.

5. Was that salary reduced to £75? Yes.

6. Did you retain the office at £75 a year in consequence of some expectations having been held out to you? Yes, there was a condition precedent to my taking the office again laid down by Sir James Martin, who wrote and requested me to remain, on the understanding that the arrears would be made good and the salary restored to £300 a year.

7. At what date was the salary reduced? In 1871.

8. What were the expectations held out to you? The then Attorney-General, Sir James Martin, caused the following letter to be written to me:—

No. 8.

The Under Secretary, Crown Law Offices, to Mr. F. R. L. Rossi.

Sir,

Attorney-General's Department, Sydney, 27 June, 1871.

With reference to recent reduction by Parliament of your salary, as Registrar of the District Court at Goulburn, I am directed by the Honorable the Attorney-General to state that he altogether disapproves of the reduction, and intends to place your salary on the next Estimates at the rate proposed on the Estimates just passed. The Attorney-General also intends to place on the Supplementary Estimates of this year a sum to make good to you the difference between the £75 voted and the amount originally proposed, and Sir James Martin expects both proposals to be carried, in consequence of the full and satisfactory information that will be placed before the House.

I am to request that you will have the goodness to say whether you will continue to hold your office as Registrar in this expectation.

I have, &c.,

W. E. PLUNKETT,
Under Secretary.

9. Was it solely on account of that inducement that you continued to hold the office? Solely on that account.

10. For how many years after the year 1871 did you continue to hold the office? Until the year 1880.

11. Was any subsequent inducement held out to you? On about fifteen occasions expectations and promises were held out to me by Ministries.

12. *Mr. H. Taylor.*] By whom? From the Minister for Justice and the head of my department.

13. Have you them in writing? They are published in the papers laid before Parliament.

14. *Chairman.*] Is there included in the correspondence any subsequent similar promises? Yes, they are repeated and contained in the correspondence which has been laid before Parliament.

15. Can you mention to the Committee the names of any Ministers subsequent to Sir James Martin who made you similar promises? In 1875 I received a letter stating that no decision had yet been arrived at, and in the same month I was informed that my application for salary would be brought forward on the next Estimates. I cannot remember the names of the Ministers who were in office on those different occasions.

16. *Mr. H. Taylor.*] Is that a promise. Would it not depend on Parliament whether that was carried out? Of course. The Ministers did not profess to promise it for themselves.

17. Have you any promise from any Minister other than the late Sir James Martin? I have no definite promise, but expectations were held out to me that the subject would be considered. No definite promise was made in the same form, because the Ministers acknowledged that they had not the power to do so themselves.

18. *Dr. Ross.*] The promise was made by Sir James Martin, the then Attorney-General, in 1871. Was there any official correspondence relating to this very matter since then? Yes; it is expressed in the correspondence laid before Parliament. [*At this stage the Chairman, Mr. Hurley, entered the room and took the Chair.*]

19. Was it in consequence of the letter from Mr. Plunkett, Under Secretary, dated 27 June, 1871, that you continued to hold office at £75 a year at Goulburn? Yes.

20. *Mr. H. Taylor.*] Did you perform any other duties? No; and I got no other pay.

21. Did you perform any other duties for the same salary? No. There were only four other registrars like myself. There were many other registrars throughout the Colony, but the offices were amalgamated with other offices. We were chief registrars.

22. *Chairman.*] Can you state what salaries the other chief registrars were in receipt of? They all received the same as I did, namely, £300 a year. They were stationed at Albury, Bathurst, Armidale, Goulburn, and Maitland.

23. Were these registrars all subjected to the same reduction, and were some of them appointed to other lucrative appointments under the Crown? Yes; but no offer was made to me until the year 1880, except the one that I was to remain at Goulburn.

24. *Mr. Teece.*] Can you give the date of the other appointments? The negotiations were opened in 1871, and in 1872 the appointments were made.

25. *Chairman.*] In consequence of the promise from the Law Department did you remain in Goulburn a considerable time? Yes, the whole of the time.

26. How did you exist? By borrowing money to live.

27. Were you possessed of some property there? Yes.

28. Did you dispose of that property? I had to mortgage it very heavily in consequence of the Government not carrying out their promise.

29. Did you eventually receive a communication from the Department that you should receive an appointment in some other part of the country? No; in 1880 Sir George Innes suggested that I should put in figures the amount of compensation that I claimed. That was the first time compensation was suggested. Sir George Innes was then Minister. I complied with his suggestion. It is set forth in the Parliamentary papers, at page 22, number 67.

Captain
F. R. L. Rossi.
12 Oct., 1887.

30. You submitted a statement according to the instructions and advice of Sir George Innes, who was then Minister? Yes.

31. What amount did you set forth that you were then entitled to? £2,596.

32. What reply did the Minister make to that? The reply he made was rather surprising—it was to the effect that he did not see there was a claim for compensation.

33. During the ten years after your salary was reduced was the work you performed equal to the work for which others were paid £300 a year? Yes, it was the same kind of work.

34. *Mr. Walker.*] That is, you performed the same work after the reduction was made as you performed when in receipt of £300 a year? The particular character of the work was this: The correspondence of the other registrars passed through my hands to the head office; but after some years they changed that. That part of the work was struck off, but the responsibility continued with me. To show that, I may mention that one man who died, and whom I never saw, left his accounts incorrect, and the Government made me pay the deficiency.

35. *Mr. Ball.*] Did they make you pay for something that never went through your hands? Yes, they made me pay the deficiency out of my salary.

36. *Mr. Walker.*] Although you did not perform the same duties, you were still held responsible for them? Yes, after my salary was reduced.

37. Did you have any leave of absence? Never, except when I found and paid for my substitute. On one occasion—that was when I had to attend to some military duties, and when I was ordered to come down to Sydney—I was then made to pay for the substitute who did my work at Goulburn; I had to pay him during the three months I was away.

38. *Chairman.*] At various times have you asked the Government was there a vacancy suitable for you in any place in the country? The first offer was made to me in 1880, after I made application for compensation.

39. *Dr. Ross.*] What offer was made? To make me clerk of the Bench at Tumut.

40. At what salary? Between £300 and £400 a year. I accepted the offer.

41. How long did you remain there? I did not enter upon the office, because Sir George Innes told me, he then being Minister, that the Government would not ask me to go there under the circumstances I explained to him. I said I would go, even at the cost of life, because I was looking for something better than that appointment.

42. But was not that salary equivalent to the salary which you were formerly receiving? Yes, but Sir George Innes, who was Minister, advised me not to go. He said he would leave a minute which would state that it would not be to my prejudice if I did not go.

43. *Mr. Walker.*] Was that minute left on record? Yes.

44. *Mr. Teece.*] How many years after your salary was reduced were these offers made to you? Ten years.

45. During that time the other registrars were in receipt of their full salary? Yes, and that was the first offer I ever had made to me.

46. *Dr. Ross.*] During those ten years did you ever make application for a better appointment? Yes. It was known to the Government. I made application for the appointment of Police Magistrate at Goulburn.

47. Did you often ask for that? Yes.

48. What answer did you get? It is hard to say in substance what response was made. The whole thing was this, when I applied another stepped in before me.

49. *Chairman.*] Were you always promised restoration of your salary by the various Ministers? Yes, I was promised by expectations held out to me, and that repeatedly, and was always led to expect it.

50. You were led to believe by Sir James Martin that your salary would be made up to you? Yes.

51. *Dr. Ross.*] Can you recollect when Sir James Martin went out of office in 1871? I think before Parliament met he was out of office. Before he could meet Parliament to explain the matter he was out of office.

52. Did he continue in Parliament after that? No, I think he became Chief Justice; I know he had ceased to be a member of the Government. That was the reason of his failure to carry out what he promised.

53. *Chairman.*] In remaining in Goulburn did you anticipate that you would eventually receive the position of Police Magistrate? Most certainly.

54. Did you expect when Sir Charles Cowper was Premier that you would receive that appointment? Yes.

55. What reason had you to believe that you would get that appointment? Archbishop Polding went on my behalf to Sir Charles Cowper, and he said he would give it to me if he could, but that he was going to give an appointment to his son; he made his son Water Police Magistrate at Sydney; Mr. Allman was then anxious to go to Sydney, and I asked to get his place at Goulburn.

56. Therefore if it had not been for the action of the then Premier the previous promises made to you would have been carried out with respect to your appointment? Yes.

57. Immediately after that did you make another application? I applied for nothing up to the end of 1880 out of Goulburn.

58. *Dr. Ross.*] Was that when you ceased to hold office? Yes.

59. What have you been doing since? I have been starving.

60. *Mr. Walker.*] How long after the reduction was made was it before the registrars who were sharing a like salary with you got offices? In 1871 we were all reduced, and they were restored in 1872, that was the year following.

61. *Mr. Teece.*] Can you furnish the Committee with the amount of the salaries attached to the offices which were conferred on the other registrars in 1872? The Blue Book for that year would show it; I know they wrote to me, and said they were well satisfied with their positions.

62. Up to the time you petitioned the House, and up to the present, do you consider that you have a claim on the Government with regard to the salary that should be due to you in that appointment? Unquestionably.

- Captain
F. R. L. Rossi.
12 Oct., 1887.
63. Upon what grounds? First of all I should have gone away there and then if it had not been for this expectation which was held out to me. Then I continued on during ten years on account of the expectations held out to me by succeeding Ministers. In 1880 I was requested to state in figures the amount of the compensation I claimed. Then it was put before the Cabinet, and I received a letter saying that the Government acknowledged my claim for £300 a year.
64. *Mr. Walker.*] Have you suffered at all from any mental or physical incapacity which would prevent you from attending to the duties of your office up to the present time? No, I was never more vigorous in my mind and body than I am now.
65. From the time your salary was reduced up to the present time have you been fully capable to perform the duties which you were previously performing? Yes, perfectly.
66. *Chairman.*] Did you repeatedly meet Mr. Butler, the late Attorney-General? Yes.
67. Did he hold out any special hopes to you? Yes; he led me to understand at that time that the Government must give me an appointment at Goulburn when there was a vacancy. At that time he had in his mind, and I had in my mind, the police magistracy, when there should be a vacancy.
68. *Dr. Ross.*] Did any vacancy occur? Yes, that was when Mr. Allman came in.
69. *Mr. Walker.*] Since the time Sir James Martin was Attorney-General did any Minister ever discourage you in any way, or try to throw you off what you desired to claim as your rights? No.
70. Did each successive Minister hold out hopes to you? Some said they could do nothing in the case. Mr. Suttor said that something would have been done for Captain Rossi long ago, but that he would take nothing out of Goulburn. I said that was a strange theory, because I had never been asked to take anything.
71. *Chairman.*] There is a promise of several appointments outside the city of Goulburn. We want to clear up the point why you should refuse to accept a position outside the city of Goulburn? The first offer made to me was in the year 1880 by Sir George Innes. He asked me, "Will you accept unconditionally?" I replied I would. But before I went I paid my respects to him, and when he heard what the circumstances were he said to me, "The Government will not ask you to go." I replied, "If it costs me my life I shall go, because I am looking for something better." Sir George Innes then said, "If you will not go I shall leave a minute to the effect that it shall not be to your prejudice." I said, "In that case it will relieve me greatly, and I shall not go."
72. *Mr. Walker.*] Were you offered any other appointments outside Goulburn? That was the only offer made to me. The next offer was made to me by Mr. Cohen, who was then Minister for Justice, and who offered me a clerkship at Grenfell. That was in 1883. I explained to Mr. Cohen that the circumstances were such that they were exactly those which applied in the case of Tumut. The department say that they have lost my letter in reply, but that was the substance of my reply. Mr. Cohen had been advised by Sir Alfred Stephen that it would be sentence of death if I were offered anything outside Goulburn. Subsequent to getting that letter Mr. Cohen made me the offer at Grenfell.
73. I understand that you declined to accept it? I said that I would be glad to accept it, but that the circumstances were exactly the same as those which applied to Tumut.
74. Then you really did not decline altogether? No; I said I should be glad to go, but that the circumstances surrounding the offer were precisely the same as in the case of the offer at Tumut.
75. *Chairman.*] At this particular time did you state to Mr. Cohen that you had a strong claim in anticipation of being appointed police magistrate at Goulburn? Yes; that is in a separate letter.
76. At this time did the people of Goulburn make a stir with regard to your position? Yes; there was a very largely signed petition of the inhabitants asking that I should be made police magistrate there.
77. *Dr. Ross.*] What reply was received to that petition? I do not know.
78. *Chairman.*] At the time when this petition went in did it receive support from many persons outside the people living in Goulburn? Yes; it received the support of the Chief Justice, the Lieutenant-Governor, three other Judges, thirty-seven Members of Parliament, the Speaker of the Legislative Assembly, and the President of the Legislative Council. I suppose there was never such a strong recommendation on record as the petition and letters presented in my favour.
79. *Dr. Ross.*] What date was that? It was in 1883. It was after that that I received the offer of the office of C.P.S. at Grenfell.
80. *Mr. Walker.*] Were the two offers close together? After the police magistracy was filled up at Goulburn the offer at Grenfell was made.
81. In the face of this petition, and such a strong recommendation by such prominent men, if any offer had been tendered to you outside of the police magistracy at Goulburn would you have felt justified in accepting it? Certainly not.
82. Did you consider the pledges given to you by various Ministers sufficient to justify you in the course you had taken? Most thoroughly so.
83. *Dr. Ross.*] What is the amount of the salary of the police magistrate at Goulburn? £500 a year,—it may be £525. I had applied before that to be made stipendiary magistrate in Sydney.
84. *Chairman.*] Do you consider that it was through any fault or negligence of your own in making application to the Government for appointment that you have been overlooked? No; on the contrary, my friends say that I importuned too much. I did not let any Government rest, in that sense of the word. I did so respectfully, but I importuned. I never lost an hour during the whole of those years.
85. What amount do you think you are entitled to? The actual loss to me is about £6,000.
86. How do you make that up? The account submitted to the Government was not drawn up by me—it was drawn up by a lawyer, and he made up the account to be in 1880, £2,596; interest at 5 per cent. on that amount would be £928 15s.
87. Have you borrowed money on the strength of receiving some compensation or salary upon which you have paid a higher rate of interest than 5 per cent.? I have had to pay 8, 9, and up to 10 per cent. Then I speak of the loss of salary from 1881 to the present time, because the Government sent me a letter acknowledging that I was entitled to £300 a year; so that from 1881 up to the end of December of this year, with interest at 5 per cent., the amount of my claim is £6,044 5s. That is with interest at 5 per cent., and not compound interest.
88. *Mr. Walker.*] Without desiring to go into your private affairs, as a matter of fact, have you had to borrow money at higher rates than 5 per cent. in order to maintain yourself at Goulburn on the strength of promises made to you? Certainly. I never had any misgiving about having my claim acknowledged.

89. Have you parted with any property at all? Vast quantities of it, to maintain life. I am in this position, that I should not have a shilling left in the world—I should be just able to pay; but I should not have a shilling left in the world if I were to fail in this. Even this amount that I claim would not pay my debts, but it would save my home. Less than that amount would not save my home. I conscientiously say that I acted with the utmost integrity and fidelity in anything that I had to do; and I have never ceased to press my claim, with the sense of certainty that I should obtain this in the end when it was understood. The difficulty I have had was to get the facts published. The Government have published them at last, and I am now prepared to answer any questions.

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90. Is this the first inquiry of this nature which has yet been made into your claim? Yes. I have been waiting for this for many years; I have suffered for seventeen years.

91. Was the reason why you would not go out of Goulburn that you did not want to go from there? I did not ask them to let me off. I said I would go at any cost, wishing to be faithful to my duty. Having the spirit of a soldier, I did not want to shirk duty. I explained all the circumstances to Sir George Innes.

92. Do you cast on him the responsibility of remaining in Goulburn and refusing an appointment outside? Had it not been for what he said I certainly should have gone. Nothing would have prevented me but his kind undertaking that it would not be to my prejudice, so I thought that was equivalent to having gone.

93. Did you receive a reply to the second letter, in which you stated that your reasons for not accepting the appointment were identical with those you gave to Sir George Innes? I received no reply to that letter.

94. So you were left to imagine that the minute of Sir George Innes in that respect was equally good? No. The outcome of the second case was this:—The Minister was asked in Parliament if he intended to do anything for Captain Rossi, and his reply was that he did not intend to do anything, because I refused two appointments. I have said over and over again what the explanation is. Subsequently I asked Mr. Cohen if he had anything to give me. Mr. Cohen said he had nothing worth offering. I wish to call the attention of the Committee to this significant fact, that after Mr. Cohen had said this in Parliament, at the close of the session he sent to me officially to speak to me about my claim. Then I told him a very great deal, which quite changed the colour of everything. I thought it very significant that he should say nothing would be done for me, and that then he should send for me. He said to me, "Put it all in writing, and it shall stand in record." Before I could do so, however, he went out of office. That is the way I have suffered. I believe that no Minister, living or dead, wished to hurt me; but before any of them could assist me there was a change in the Government.

95. Mr. Cohen in Parliament stated that you refused two appointments;—do you distinctly deny that you refused them? Yes, most certainly.

96. *Dr. Ross.*] Did you never put in any claim upon the Government until 1880, after having suffered a reduction in your salary in 1871? I made the specific claim in 1880 at the invitation of Sir George Innes.

97. Did you allow the claim to remain in abeyance from 1871 until 1880? I did, so far as the form of compensation is concerned.

98. Was that claim in 1880 the first you made from 1871? I continued making application year by year on every opportunity.

99. Do you not consider it an extraordinary way of doing business to allow it to remain in abeyance from 1871 until 1880? I did not put in a specific claim for compensation, but I always claimed to have the restoration of my salary.

100. Did you put in any claim for restoration? Yes.

101. Is it in writing in the documents? Yes.

102. When was the first claim put in? On every opportunity. They were successive and continuous from 1871.

103. *Mr. Walker.*] On learning that the other registrars had received appointments after your reduction did you call attention to the fact, and make your claim upon the Government at that time? I do not know whether I did it in that specific way, but I never ceased to ask for the fulfilment of the promise held out to me by Sir James Martin and by the expectations from successive Ministers. I did that unweariedly until 1880, when it was suggested that I should put in my claim for compensation in figures.

104. It was then suggested by a Minister of the Crown that you should put your claim in in figures? Yes.

105. Will you refer to a letter written on the 30th June, 1871, No. 11, addressed to the Crown Law Offices? Yes. It is as follows:—

No. 11.

Mr. F. R. L. Rossi to The Under Secretary, Crown Law Offices.

Sir,

Goulburn, 30 June, 1871.

I have the honor to acknowledge the communication with which I have been favoured from the Honorable the Attorney-General that he altogether disapproves of the reduction of my salary as Registrar of the District Court, Goulburn, and intends to place my salary on the next Estimates at the rate proposed on the Estimates just passed, and further, that the Honorable the Attorney-General intends to place on the Supplementary Estimates of this year a sum to make good to me the difference between the £75 voted and the amount originally proposed. Lastly, requesting me to say whether I will continue to hold office as Registrar in this expectation. For the just and kind purport of that letter I hope I may be allowed to offer my grateful thanks, and with reference to the last paragraph and query I desire to say that I shall be willing and happy to do so, having utmost confidence in the kind intentions of Sir James Martin.

I have, &c.,
F. R. L. ROSSI.

106. You there say that you are happy and willing to continue in office? Yes, on that understanding.

107. *Mr. Ball.*] Have you any idea as to what the other registrars have been receiving up to the present time from 1880, at Goulburn? The registrars were all merged into other offices. There are an immense number of them now, because every clerk of petty sessions is a registrar.

108. *Mr. Rylie.*] Were you the only registrar from 1871 up to 1880? We were special registrars.

109. *Mr. Teece.*] Are you a magistrate of the territory? Yes; since 1845.

110. Have you repeatedly discharged magisterial duties? Persistently and continuously. Just before the time when I expected to fill the office of the police magistrate, I was there every day for about one year and nine months.

111.

- Captain F. R. L. Rossi. 111. Have you ever discharged the duties there in the absence of the police magistrate? Yes; I was always there with Mr. Voss. I was the senior.
112. *Dr. Ross.*] Has the Government lately made you an offer of any other office? No.
- 12 Oct., 1887. 113. Have you made any application lately? Yes; I asked to be made chairman of the Land Board; also to be made clerk when Mr. Armstrong died, at £400 a year, in Sydney. I also asked to be made Secretary to the Civil Service Board, but I received no response in any of these cases, except in the case of Mr. Armstrong, when it was said that they must give the appointment to the next officer in the Department.

THURSDAY, 27 OCTOBER, 1887.

Present:—

MR. BALL, | DR. ROSS,
MR. TEECE, | MR. WALKER.

J. HURLEY, Esq., IN THE CHAIR.

Captain F. R. L. Rossi recalled and further examined:—

- Captain F. R. L. Rossi. 114. *Chairman.*] I understand that you are desirous of giving us some additional information, which you were not in possession of, or could not remember, at the time of your last examination? If there is anything the Committee would like to ask me about I am prepared to answer anything.
- 27 Oct., 1887. 115. Have you not some documents which you would like to produce? Yes, I have a letter which, in the printed return, is said to have been lost in the Department of Justice. This is the letter in which I replied to the offer of the Grenfell position.
116. Is the letter which you have a copy, or the original? A copy.
117. How do you certify to its being a copy? Because it is my own; I have sworn it to be so, and I am on oath to declare it to be so; all the correspondence has been copied by myself.
118. Will you read the letter? Yes; first of all I will read a letter which I sent to the Department of Justice, as follows:—

Sir, No. 1 Coffee Palace, 18 March, 1884.
In the papers ordered to be printed 28th February last, in the case of "Captain Rossi," the memo. on page No. 43, at foot of letter, says that a certain letter of mine, 11th June, 1883, had been received, but "cannot be found."
I have the honor to send you a copy of that letter, wherein it will be perceived that I had been unable to accept, as the conditions surrounding the offer were precisely the same as had existed in the offer of the Clerk of Petty Sessionship at Tamut, which I would repeat I accepted unconditionally. It was at the suggestion, as I have shown, of the then Minister for Justice, I withdrew from acceptance, under a promise made to me.

Finally, I would mention that the present the Honorable the Minister for Justice was, by a letter from Sir Alfred Stephen, put in possession of the knowledge which unfortunately would appear to have escaped the Minister prior to that offer to me of Grenfell clerkship, "that any appointment out of Goulburn would to me be as a sentence of death."

I have, &c.,
F. R. L. ROSSI,
Captain.

The Under Secretary, Department of Justice, Sydney.

The enclosure is the letter referred to, and it is as follows:—

Sir, No. 1 Coffee Palace, 11 June, 1883.
I have to acknowledge with thanks your letter or memo. of the 9th instant, which reached me to-day, offering me the position of Clerk of Petty Sessions at Grenfell.
I should have felt it a duty to comply with the wishes of the Government in such respect, but reference to my communication of the 16th April last, as well as to the minutes of Sir George Innes, written on the occasion when he had suggested my withdrawal from the acceptance of the office of Clerk of Petty Sessions at Tamut, will, without doubt, satisfy you that I am precluded from accepting.

I have, &c.,
F. R. L. ROSSI,
Captain.

The Honorable the Minister for Justice, &c., Sydney.

119. From that letter of the 11th June, 1883, it would be inferred that the Government were desirous of recognizing that you had some claim by offering you that position? Unquestionably. In confirmation of what I said the other day, I produce another letter, which I sent to the Minister for Lands, making application for the position of chairman of one of the Land Boards. This letter is dated 24th November, 1884. I produce the letter to show how earnestly I desired to get work.

120. That was after the Grenfell offer was made to you? Yes.

121. The Government having offered you a position at £400 per annum, including the land business at Grenfell, supposing they had offered you a similar position, would you have taken it? Yes; at Goulburn, for instance.

122. I observe that you do not travel out of Goulburn? I want to show by this letter that I do. When I had an interview with Mr. Cohen, I said, "Why did you not make me Clerk of the Bench at Goulburn?" He said, "I did not believe you would accept it." I said, "How, then, did you offer me a similar position 100 miles away from home if you did not think I would accept a similar position at Goulburn?" I produce the letter which I sent to the Minister for Lands, in confirmation of what I said the other day.

123. It was after the refusal of the Grenfell position that you wrote that letter? Yes, on the 24th November, 1884. The letter is as follows:—

Sir, No. 1 Coffee Palace, 24 November, 1884.
I have the honor to address you, making a request and application that one of the appointments as Chairman of the Land Boards may be conferred upon me. If I may be permitted to say so much, I would naturally desire such a position as near as possible to my home at Goulburn.

I have, &c.,
F. R. L. ROSSI,
Captain.

The Honorable the Minister for Lands, &c., Sydney.

That shows the direction I was prepared to go.

124. Did you get a reply? No. As the published account narrates, I also applied for a clerkship in Sydney. I also applied to be made Secretary to the Civil Service Board.

125. It is quite evident from the correspondence that you are desirous of holding the Minister to the promise of an appointment at Goulburn? Yes.

126. You have always refused any appointment outside of Goulburn? I have never had one offered to me.
127. What about the Tumut offer? I mean except under the circumstances which I have explained.
128. Suppose in reference to your letter to the Minister for Lands you had been offered a position as chairman of the Land Board at Grenfell, Forbes, or any other place, would you have accepted it? Certainly I would.
129. How can you reconcile that statement with the refusal to accept the Grenfell position at £400 a year? What I was aiming at all the time was to get a good appointment, and then to effect a transfer with some other officer. If I had received an appointment, by this time I could have resigned, and gone away on a very handsome pension.
130. *Mr. Walker.*] At the time when you first anticipated being appointed Police Magistrate at Goulburn, was the salary of that office any more than the salary which was offered to you at Grenfell? Yes, I think it was £525 a year.
131. You do not think that you in any way acted wrongly in refusing to accept the offer of a position at £400 a year at Grenfell? Most certainly not, under the circumstances surrounding the offer at the time.
132. *Chairman.*] Will you reiterate the circumstances? They are all indicated in the printed papers. When Sir George Innes said that I need not go, I said that I must go, because I wanted to do something better, and he said, "I promise you that it shall not be to your prejudice if you do not go." Had I gone at that time, I should have had to leave my wife and my mother-in-law at Goulburn. My mother-in-law was an imbecile, and we had to see her daily and attend to her wants, and, as I said, referring to my wife and my mother-in-law, in the event of my going away, they would be just like two ships at sea without rudders. I told Sir George Innes that it was great consideration on his part to feel for me to that extent. He said, "Under those circumstances the Government would not ask you to go"; but still, to show my willingness and readiness to discharge the duty, I said, "Even if it costs me my life, I will go. I will even make the sacrifice of family consideration," which you will see was rather a serious one.
133. Another consideration was that what little property you had was in Goulburn? Yes, and had I gone away there would not have been a soul to look after it but my wife.
134. *Dr. Ross.*] Did the Department of Justice at any time ever give you any promise that in the event of any vacancy arising in any other Department they would get you that appointment? The Department of Justice could not make an offer of that kind.
135. Did you not think when you wrote to the Minister for Lands in 1884, asking to be appointed to the position of chairman of a Land Board, that you would compromise yourself with the Justice Department? No. I did not get any answer from the Lands Department, nor did I get any answer to my application for the position of Secretary of the Civil Service Board.
136. Did you ever have the promise of any vacant position from the Justice Department other than the promise which you have mentioned? Yes; Mr. Leary, who is dead, said to me once, "I cannot get your salary raised, but if there is ever anything in my bestowal let Captain Rossi ask for it, and he would be prepared to give the application the fullest consideration."
137. *Mr. Walker.*] Did you ever make any other applications outside the Department of Justice? I never made any application outside that Department until 1884, when I found that I could get nothing there.
138. Up to that time you were dependent on inducements which were held out to you? Yes. To show how disposed I was to do anything after that time I may say that I offered to go to Egypt. I looked upon it in this light. You will perhaps remember that at that time there was an offer that if any officer died his widow would get the same allowance as would be given to a widow of an officer of similar rank in the Imperial Service. I thought that there would be this remnant left if I died, and I begged to be allowed to go.
139. *Dr. Ross.*] Why was it that in making your application to the Lands Department you did not state that you had been for many years expecting an appointment in the Department of Justice? I am in no way reticent. I would have mentioned it if I had thought it necessary.
140. Do you not think that a statement of the facts would have assisted you in getting an appointment in the Department of Lands? I think quite the other way, considering the circumstances of my position. They would say, here is a man who has been trying to get a position in the Department of Justice. They know him pretty well, and if they cannot give him something it is not likely that we shall give him something to do.
141. *Mr. Walker.*] Do you not think that possibly it would have been wiser if you had written to the Justice Department, asking for some evidence that you had been waiting for a position? I can answer that very distinctly. I had ceased to have anything to do with the Department of Justice. They were nothing more to me than the Emperor of China is, as far as control is concerned. Had I been connected with the Department of course I should have felt it my duty to have written such a letter.
142. *Chairman.*] Suppose you had been offered a position in the Lands Department, would you have been content to accept that appointment without making any claims against the Department of Justice for the long time that you had been in expectancy? I am not prepared to say that. The late Mr. Daintree knew how urgently I desired to get the Police Magistracy at Goulburn. His nephew, Mr. John Woore, applied for the position, and Mr. Daintree said to me, "You have a preferential claim;" and he said, "Mark me, if you are made Police Magistrate at Goulburn the Government ought to give you every farthing of your claim."
143. Did he not write a letter stating that you had a substantial claim? Yes, and he gratuitously said that I would be entitled to arrears of all claims up to that time. From the first I never abandoned the full expectation of getting the money.
144. The present Chief Justice expressed himself that you had a substantial claim? Yes, and the late Chief Justice. You will also see how Bishop Lanigan, of Goulburn, urges that my claims should be considered. From the first I have never abandoned the expectation of getting my claim paid in full. I have waited seventeen years now.
145. *Mr. Teece.*] Do you not think that the offer of a position at Grenfell was regarded by the Department as an equivalent for your claims? No; not in satisfaction of those claims.
146. Who was Minister for Justice when you were offered the position at Tumut? Sir George Innes.
147. Who was Minister for Justice when you were offered the position at Grenfell? Mr. Cohen.
148. When you wished to withdraw your applications for those positions, did both those Ministers lead you to believe or state to you that the withdrawal in any way prejudiced your claim? Sir George Innes left

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- Captain F. R. L. Rossi. left it on record that it did not. I did not receive any reply to my communication declining the Grenfell position.
- 27 Oct., 1887. 149. *Dr. Ross.*] The unfortunate position in which you are placed is this: that the money was put on the Estimates, but Parliament would not vote it? I am not combating Parliament.
150. As far as the late Chief Justice is concerned he faithfully fulfilled his promise by putting the vote on the Estimates? He ceased to be Minister for Justice; but Mr. Butler, who succeeded him, put it on.
151. How many times did the item appear on the Estimates? First of all it was put on by Sir James Martin, and when it was struck off he said that he was shocked. Then it was put on by Mr. Butler. The third time it was put on it was never discussed.
152. Why did Parliament disallow the vote? In the first instance, as far as I know, it was through a very grievous misapprehension of my duties, as to what they were. It was said in Parliament, "Oh, this gentleman has nothing to do. He rides up to his office, and rides away again." The truth is this: It is a fearful thing which I have to suffer from a partial truth operating as a whole truth. I used to ride up and leave my horse at my father-in-law's place, the Dean of Goulburn. One day I was passing the Court-house, when I saw the bailiff. I said to him, "Are there any letters for me?" and he said, "No, Sir." Some eaves-dropper heard this, and saw me ride off, and thought that I had nothing to do, and told a Member of Parliament. The fact was I did then as I always did. After I had put my horse up I went to the office to do my work. Goulburn was first on the list, and *ex uno disce omnes*—I was knocked on the head. I cannot say whether this was on the first or the second occasion. Sir James Martin was disgusted. He said he could give good reasons why the office should be continued.
153. Can you give us an idea when the discussion took place? It would be about 1871.
154. *Mr. Walker.*] The reason in your estimation why Parliament would not vote the money was because you had been misrepresented, and no fitting reply had been made on your behalf? Yes.
155. *Dr. Ross.*] But Sir James Martin knew the circumstances? He was not in the House when it came on the second time. If he had been I believe he would have carried it through.
156. *Mr. Walker.*] Was he in the House at the time Mr. Butler was in office? I do not think he was.
157. Was Sir James Martin in the House when the matter was discussed at any other time? I think he was the first time. I cannot speak confidently. You will see in the documents that he talks about the information with which he would be able to supply Parliament.
158. *Dr. Ross.*] Did the Attorney-General, or the Minister of Justice, subsequent to Parliament disallowing the vote, ever make any further promises? Mr. Butler made a promise afterwards.
159. In defiance of what Parliament had done? No, it was not in defiance of Parliament. He said, "Parliament will not allow the vote, and I cannot give it to you; but the Government must give you the first vacancy of an appointment in Goulburn; I must make it up to you." He said that Parliament objected to restore the salary, and that, therefore, he would have to get me something else. The first vacancy in Goulburn was mentioned, we having at that time the Police Magistracy in our minds.
160. *Mr. Walker.*] The issues before Parliament were mixed. It was not so much a question of your claim as of the abolition of the office? The contention in Parliament was against the office.
161. After Parliament had decided, you were still promised that you should have the first thing offering in Goulburn? Yes; and besides that several successive Ministers after that said, "When the next Estimates are being prepared we will have your case brought forward." It was kept on for ten years in this way, and at the end of the ten years it was taken away altogether. The successive Ministries kept up my expectations. In a *précis* which I have written of the documents you will find the same tune is played throughout. For instance, here is an item: "1875. Your application was duly under consideration, but no decision has yet been arrived at upon the subject." There were successive promises of that character going on year after year, and they kept the coal alive by blowing on me with these expectations.

FRIDAY, 18 NOVEMBER, 1887.

Present:—

MR. BALL, | MR. RYRIE,
MR. WALKER.

J. HURLEY, ESQ., IN THE CHAIR.

John O'Connor, Esq., called in, sworn, and examined:—

- J. O'Connor, Esq. 162. *Chairman.*] You were some time ago employed in the Department of Justice? Yes; for eight or nine years.
- 18 Nov., 1887. 163. You are still in the Government service? Yes.
164. In what branch? In an office connected with the Department of Justice—in the Patents Office.
165. You are in possession of some particulars in connection with the claim of Captain Rossi? I hardly think so. In fact I am afraid I am in a somewhat false position before this Committee. However I will state what I know about the case: About four years ago a return was ordered by Parliament in connection with Captain Rossi's case. That return passed through my hands, and in preparing it I became thoroughly conversant with everything connected with his claim. It is so long ago that I have forgotten the details, but I know that while the case was going through my hands I frequently saw Captain Rossi at the office, and I remember that I told him on several occasions that, in reading the correspondence, I thought he had been very harshly dealt with by the Government. I suppose that Captain Rossi thought that I might make this statement before the Committee. I do not know whether I am right or wrong in so doing, but those are the facts so far as I am concerned.
166. We should like to hear from you what impression the reading of the correspondence made upon your mind at the time? As I have said, after reading the correspondence I became convinced in my own mind that Captain Rossi had a claim against the Government on account of the promises frequently made by Sir James Martin and other Ministers, to see that justice should be done to him.
167. *Mr. Walker.*] Has anything since occurred to alter that impression? Nothing at all. I remember that about two years ago, when Mr. Slattery was Minister for Justice, I had a conversation with him about the matter, and, from what he said, I am satisfied that he shared my opinion that Captain Rossi had not been fairly treated. In fact he said that if the Government of which he was a member lived long enough

enough he should take care that the case was fully stated to the Cabinet. Mr. MacNevin, the chief clerk, and Mr. Plunkett, the Under Secretary, had also conversations with me about the matter while the return was being prepared, and I think that both of those gentlemen thought that Captain Rossi had a claim against the Government.

J. O'Connor,
Esq.

18 Nov., 1887.

168. Then, from your personal contact with officers of the Department, and from your personal knowledge of the correspondence, you formed the conclusion that Captain Rossi had a claim against the Government?

Yes. While the return was being prepared Captain Rossi was at the office frequently, and was rather inclined to elicit persons' opinion on the subject. I expressed my opinion to him without any reservation.

169. Did you form the opinion that he had a claim against the Government from reading the correspondence before you had conversed with others who shared that opinion? I prepared the return with Mr. Stafford, of the Department, and both Mr. Stafford and myself came to the conclusion that Captain Rossi had not been treated at all justly.

170. And your opinion was only confirmed, and not formed, when you had conversation with others? I had formed my opinion on the question before I spoke to Mr. Plunkett or Mr. MacNevin on the subject.

171. Your judgment in the matter was not influenced by the judgment of any of your superior officers? No.

172. *Chairman.*] Are you any special friend of Captain Rossi? I never met Captain Rossi in my life until the return to which I have referred was being prepared, although previously I had heard of him.

173. You have no interest in him more than a desire to see justice done? Not the slightest.

1887-8.

NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM AGENT FOR 1887.)

Presented to Parliament by Command.

The Agent for Immigration to The Principal Under Secretary.

Sir,

Immigration Office, Sydney, 28 February, 1888.

I have the honor to submit, for the information of the Colonial Secretary, my Report on Immigration for the year ending 31st December, 1887.

Only two steamers were chartered by the Agent-General, arriving in January and March.

Of the total of 1,362 immigrants who arrived, including 185 wives with their children coming to join their husbands, there were 1,063 nominated by their relatives or friends in the Colony. During the voyage 9 infants died and 3 were born.

Of the 481 single women who arrived, only 114 were willing to hire as domestic servants, and these readily obtained engagements at an average rate of wages of 9s. 8d. per week.

The appendices herewith annexed give full detailed information relative to Immigration during the past year:—

- A.—General Statistical Information.
- B.—Nationality of Immigrants.
- C.—Religious Persuasions.
- D.—Educational Attainments.
- E.—Trades and Callings.
- F.—Distribution into Country Districts.

I have, &c.,

GEORGE F. WISE,

Agent for Immigration.

APPENDIX A.

RETURN of Assisted Immigration to New South Wales, 1887.

Name of Vessel.	Date of Departure.	Date of arrival.	Number of days on voyage.	Births on Voyage.		Deaths on Voyage.				Number landed.				Nominated in the Colony.	Selected by the Agent-General.	Total number of Individuals landed.	Equal to statute adults.	Contract price per statute adult.	Amount paid for and by Immigrants on account of cost of their passage.							
				M.	F.	Above 12 years of age.		Under 12 years.		Above 12 years.		Under 12 years.							Amount paid in the Colony by depositors.	Amount paid in London to the Agent-General.						
						M.	F.	M.	F.	M.	F.	M.	F.													
	1886.	1887.																								
1. "Port Victor"	4 December..	23 January ...	50	1	...	...	...	1	65	340	155	129	655	34	689	537	£15 each for 400, £14 10s. for next 200, and £14 for the remainder.	£	s.	d.	£	s.	d.		
2. "Abyssinia"	31 January ...	24 March	53	...	2	4	4	60	323	107	112	344	261	602	487½	"	"	...	544	0	0	689	0	0
3. "Lusitania"	19 March	5 May	47	...	...	...	...	...	3	7	...	6	16	...	16	13	"	"	...	42	0	0	1	0	0
4. "Chimborazo"	14 May	26 June	44	...	...	...	...	...	1	2	2	1	6	...	6	4½	"	"	...	8	0	0	.....	.....	.....
5. "Oroya"	9 July	19 August ...	41	...	...	...	...	...	1	4	8	2	15	..	15	10	"	"	...	16	0	0	.....	.....	.....
6. "Liguria" *	20 August ...	6 October ...	47	...	...	...	...	...	...	1	2	...	3	...	3	2	"	"	...	4	0	0	5	0	0
7. "Orient"	29 October ..	10 December..	42	...	...	...	...	...	1	10	12	8	24	7	31	21	"	"	...	60	0	0	.....	.....	.....
			(a)	1	2	4	5	131	687	286	258	1,063	305	1,362	1,115				1,822	0	0	919	0	0
				3				9																		

(a) Average length of passage, 46 days.

* A married woman with 8 children also embarked at Plymouth, but having left the "Liguria" at Melbourne no payment in Sydney has been made on account of their passage money.

21 Married couples	42
Single men	110
Wives coming to join their husbands and single women	666
Children	544
Total	1,362

Immigration Office,
Sydney, 23rd February, 1888.

GEORGE F. WISE,
Agent for Immigration.

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APPENDIX B.

RETURN showing the Native Countries of the Assisted Emigrants who arrived in 1887.

England and Wales.										Scotland.				Ireland.							
Northern Counties.		Southern Counties.		Midland Counties.		Eastern Counties.		Wales.		Northern Counties.		Southern Counties.		Ulster.		Leinster.		Connaught.		Munster.	
Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.	Counties.	Number of Souls.
Northumberland	28	Kent	16	Cheshire ...	9	Lincolnshire	9	Carnarvon-		Caithness ...		Edinburgh..	11	Donegal ...	13	Longford ...	4	Leitrim.....	10	Clare	24
Cumberland	33	Sussex	33	Derbyshire ..	12	Norfolk.....	4	shire ...	1	Sutherland ...		Haddington ...		Londonderry	2	West Meath ..	9	Sligo	3	Kerry	6
Westmoreland	1	Surrey	5	Nottingham-		Hunting-		Denbigh-		Ross-shire ...		Berwick-		Antrim	7	East Meath ..	4	Mayo.....	1	Cork	22
Durham	117	Hampshire ...	17	shire	13	donshire ...		shire	1	Cromarty ...		shire	1	Fermanagh..	18	Louth	1	Galway.....	17	Waterford..	
Yorkshire	82	Berkshire ...	2	Stafford-		Cambridge-		Flintshire... ..		Nairn	1	Roxburgh-		Tyrone	18	King's		Roscommon	4	Tipperary...	30
Lancashire	96	Dorsetshire..	2	shire	35	shire	2	Merioneth-		Inverness-		shire		Down	4	County ...	7			Limerick ...	19
Isle of Man	4	Wiltshire ...	7	Warwick-		Suffolk	2	shire		Montgomery-		shire		Cavan	14	Kildare.....	4				
		Somerset-		shire	29	Bedford-		shire	10	shire	1	Moray or		Monaghan..	5	Dublin	12				
		shire.....	3	Worcester-		shire	10	Cardigan-		shire	1	Elgin	11	Lanarkshire	51	Queen's					
		Devonshire ..	16	shire	17	Hertford-		shire		Banff		Aberdeen ...	22	Dumfries-		County ...	7				
		Cornwall ...	20	shire	10	shire		Essex	3	Radnorshire	10	Kincardine	7	shire	4	Carlow	7				
		Guernsey I.	2	Butland-		shire		Middlesex...	77	shire		Forfarshire..	19	Galloway ...		Wicklow ...	4				
		Jersey I.....		shire		Northamp-		shire		Pembroke-		shire	33	Ayrshire ...	26	Kilkenny ...	8				
				Northamp-		tonshire... ..	1	shire		shire		Kinross		Dumbarton	4	Wexford ..	2				
				Bucking-		hamshire	5	shire		Carmarthen-		shire	5	Argyleshire.	1						
				shire		Oxfordshire	1	shire	1	Brecknock-		shire	1	Renfrew-							
				Gloucester-		shire	7	shire	26	shire		Glamorgan-		shire	8						
				Monmouth-		shire	2	shire	1	shire		shire	11	Stirling.....	8						
				Hereford-		shire	1	shire	1	shire		Orkney and		Linlithgow.	6						
				Shropshire..		shire	3	shire	1	shire		Shetland		Bute							
								Anglesea ...	1	shire		Islands..	2	Midlothian.	7						
										Isle of Sky..											
	366		123		145		107		36		106		127		84		69		35		101
					777						233						289				

From England and Wales.....	777
" Scotland.....	233
" Ireland.....	289
" Other Countries	63

Total 1,362

Immigration Office,
Sydney, 23th February, 1888.

GEORGE F. WISE,
Agent for Immigration.

APPENDIX C.
RELIGIOUS PERSUASIONS.

Nationality	Classification of Religion.																		Grand Totals.
	Church of England.		Church of Scotland.		Wesleyan Methodists.		Other Protestants.		Roman Catholics.		Jews.		Mahomedans and Pagans.		Other Persuasions.		Totals.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
English..	178	342	2	8	45	79	29	53	9	21	3	8	...	...	...	...	266	511	777
Scotch ...	...	3	61	129	3	7	7	5	7	11	...	...	...	...	...	...	78	155	233
Irish	19	28	3	8	1	1	...	1	32	196	...	...	...	...	...	...	55	234	289
Other Countries	1	5	...	2	...	...	3	7	1	6	11	27	...	...	...	...	16	47	63
	198	378	66	147	49	87	39	66	49	234	14	35	...	...	...	...	415	947	1362

Immigration Office,
Sydney, 28th February, 1888.

GEORGE F. WISE,
Agent for Immigration.

APPENDIX D.
EDUCATIONAL ATTAINMENTS.

Nationality.	Classification of Education.						Total.
	Under 12 years.			Over 12 years.			
	Cannot read.	Read and write.	Read only.	Cannot read.	Read and write.	Read only.	
England and Wales	250	120	2	22	376	7	777
Scotland	68	37	1	2	125	...	233
Ireland	23	21	...	13	232	...	289
Other Countries.....	18	3	1	12	29	...	63
	359	181	4	49	762	7	1,362

Immigration Office,
Sydney, 28th February, 1888.

GEORGE F. WISE,
Agent for Immigration.

APPENDIX E.
TRADES AND CALLINGS.

Males.	England.	Scotlaud.	Ireland.	United States and Canada.	Other Countries.	Totals.
1. Pastoral—						
Farming and General Labourers	17	5	20	.....	.....	42
2. Mining—						
General Miners	1	.....	2	.....	.....	3
Coal	7	.....	.....	.....	.....	7
Iron ... ..	.....	.....	.....	.....	.....	.....
Special { Copper ... ..	.....	.....	.....	.....	.....	.....
Tin ... ..	.....	.....	.....	.....	.....	.....
Gold ... ..	.....	.....	.....	.....	.....	.....
Totals	8	.....	2	.....	.....	10
3. Building Trades—						
Builders ... ..	.....	.....	.....	.....	.....	.....
Carpenters and Joiners	3	1	2	.....	.....	6
Masons ... ..	.....	1	.....	.....	.....	1
Bricklayers	1	.....	.....	.....	.....	1
Brickmakers ... ..	.....	.....	.....	.....	.....	.....
Plumbers ... ..	.....	.....	.....	.....	.....	.....
Painters	1	.....	.....	.....	1	2
Plasterers	1	.....	.....	.....	.....	1
Totals	6	2	2	.....	1	11
4. Iron Trades—						
Patternmakers... ..	.....	.....	.....	.....	.....	.....
Engineers ... ..	.....	.....	.....	.....	.....	.....
Moulders ... ..	.....	.....	.....	.....	.....	.....
Fitters	1	.....	.....	.....	.....	1
Blacksmiths	3	.....	.....	.....	.....	3
Turners... ..	.....	.....	.....	.....	.....	.....
Brass Finishers ... ..	.....	.....	.....	.....	.....	.....
Labourers ... ..	.....	.....	.....	.....	.....	.....
Totals	4	.....	.....	.....	.....	4

APPENDIX E—continued.

Males.	England.	Scotland.	Ireland.	United States and Canada.	Other Countries.	Totals.
5. Clothing Trades—						
Tailors ... ..	.....	.....	.....	.....	1	1
Boot and Shoemakers	2	.....	.....	.....	.....	2
Weavers ... ..	.....	.....	.....	.....	.....	.....
Hatters... ..	.....	.....	.....	.....	.....	.....
Totals	2	.....	.....	.....	1	3
6. Provision Trades—						
Butchers ... ..	.....	.....	.....	.....	.....	.....
Bakers ... ..	.....	1	.....	.....	.....	1
Grocers... ..	.....	.....	.....	.....	.....	.....
Totals ... ..	.....	1	.....	.....	.....	1
7. Various Manufacturing Trades—						
Cabinetmakers ... ..	.....	.....	.....	.....	.....	.....
Carriage Builders ... ..	.....	.....	.....	.....	.....	.....
Glassmakers ... ..	.....	.....	.....	.....	.....	.....
Zincworkers ... ..	.....	.....	.....	.....	.....	.....
Tinsmiths ... ..	.....	.....	.....	.....	.....	.....
Saddlers ... ..	.....	.....	.....	.....	.....	.....
Puddlers ... ..	.....	.....	.....	.....	.....	.....
Totals ... ..	.....	.....	.....	.....	.....	.....
8. Miscellaneous Trades, including males above 12 years of age, accompanied by or coming to relatives						
	34	15	8	.....	3	60
Grand totals of Males	71	23	32	.....	5	131
FEMALES.						
1. Domestic Servants	297	104	218	.....	31	650
2. Other callings, including females above 12 years of age, accompanied by or coming to relatives	25	7	1	.....	4	37
Grand totals of Females	322	111	219	.....	35	687

Immigration Office,
Sydney, 28th February, 1888.

GEORGE F. WISE,
Agent for Immigration.

APPENDIX F.

RETURN showing the number of Assisted Immigrants who at their own request were forwarded to Country Districts by steamer and rail.

By Steamer.	Married Couples.	Child-ren.	Men.	Women.	Total.	By Rail.	Married Couples.	Child-ren.	Men.	Women.	Total.
Bega	1	2	2	1	7	Joadga Creek .....	...	2	...	2	4
Macleay River	1	3	4	Bathurst .....	...	1	1	5	7
Jamberoo	1	...	1	Windsor .....	...	1	...	1	2
Wollongong	28	3	12	43	Katoomba .....	...	4	...	2	6
Broughton Creek	2	2	Waterfall .....	...	1	...	1	2
Kiama	1	1	2	Orange .....	...	...	...	2	2
Coraki	1	1	Grass-tree Flat .....	...	1	...	1	2
West Kempsey	1	1	Carcoar	3	11	1	1	19
Trial Bay	3	...	1	4	Borenore .....	...	...	...	1	1
Manning River	2	2	Wallerawang	1	4	...	...	6
Newcastle	1	81	8	50	141	Nyngan .....	...	4	...	3	7
Lismore	6	6	Rydal .....	...	...	...	1	1
Eden	1	1	2	4	Rooty Hill .....	...	...	1	...	1
Fairy Meadow	1	1	Parramatta .....	...	...	...	4	4
Bulli	1	...	1	2	Nymagee .....	...	...	...	1	1
Grand Total	2	116	17	84	221	Bourke .....	...	...	...	1	1
BY RAIL.						Granville .....	...	1	3	1	5
Bowral	1	4	2	3	11	Hartley Vale .....	...	2	...	2	2
Merrylands	4	...	1	5	Wallsend	1	25	1	12	40
Cowra	1	...	1	2	Lambton .....	...	6	2	4	12
Coolaman	1	2	4	1	9	Greta	1	20	1	7	30
Queanbeyan	1	1	West Maitland .....	...	...	...	3	3
Hay	2	2	Gunnedah .....	...	...	2	...	2
Moss Vale	1	1	Glen Innes .....	...	...	1	3	4
Ingleburn	2	2	Scone .....	...	2	...	...	2
Goulburn	1	1	Singleton .....	...	...	...	1	1
Braidwood	2	...	2	4	Hornsby .....	...	...	...	1	1
Wallendbeen	1	1	Muswellbrook .....	...	...	...	2	2
Lithgow	5	1	11	17	Tenterfield .....	...	...	...	2	2
Mount Wilson	1	1	Minmi .....	...	10	5	9	24
Linden	1	1	Hamilton .....	...	...	...	1	1
						Grand Total, by Rail...	8	109	29	101	255

SUMMARY.

	Married Couples	Chil- dren.	Single Men.	Single Women.	Total.	Why proceeding.	Married Couples	Chil- ren.	Single Men.	Single Women.	Total.
By Sea	2	116	17	84	221	Engaged	4	9	2	14	33
By Rail—						To or with Friends	6	216	44	171	443
North	2	61	14	45	124	Seeking employment in districts selected by themselves .....	...	...	...	...	...
South	2	13	6	15	38						
West	4	35	9	41	93						
Totals	10	225	46	185	476	Totals	10	225	46	185	476

476 individuals forwarded to 60 different places.

Immigration Office,
Sydney, 28th February, 1888.GEORGE F. WISE,
Agent for Immigration.

Sydney: Charles Potter, Government Printer.—1888.

[6d.]

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM IMMIGRATION AGENT—STEAMSHIP 'OROYA.')

Ordered by the Legislative Assembly to be printed, 21 September, 1887.

FURTHER RETURN to an *Address* adopted by the Honorable the Legislative Assembly of New South Wales on the 6th July, 1877, That, in the opinion of this House, there should be laid upon the Table of this House,—

“(1.) Copies of all Reports, since 1875 to date, from the Agent-General, the Health Officer, and Agent for Immigration, to the Government, relative to the Despatch of Emigrants from England or elsewhere, and after their inspection on arrival in the Colony by each ship.

“(2.) That similar Reports should henceforward be laid upon the Table of the House as soon as practicable after the arrival and inspection of the Immigrants by each ship.

“(3.) That the above Resolutions be communicated by Address to His Excellency the Governor.”

(*Mr. Macintosh.*)

The Agent for Immigration to The Principal Under Secretary.

Sir,

Immigration Office, Sydney, 27 August, 1887.

I have the honor to report, for the information of the Colonial Secretary, that the s.s. “Oroya” arrived on the 19th instant, having on board a small portion of the balance of nominated immigrants, consisting of one single man, one single woman, three married women coming to join their husbands, and ten young children—ten statute adults.

The cost of passage, as per special agreement made by the Agent-General, was at the rate of £15 per statute adult, towards which a total of £16 had been paid by three depositors on account of their nominees.

On examination the immigrants expressed themselves well satisfied with their treatment during the voyage, and were forwarded to various destinations to their friends, who had been previously advised of their anticipated arrival.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.

[37.]

[805 copies—Approximate Cost of Printing (labour and material), £1 1s. 10d.]

CS—

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM IMMIGRATION AGENT—STEAMSHIP "LIGURIA.")

Ordered by the Legislative Assembly to be printed, 15 November, 1887.

FURTHER RETURN to an *Address* adopted by the Honorable the Legislative Assembly of New South Wales on the 6th July, 1877, That, in the opinion of this House, there should be laid upon the Table of this House,—

- “(1.) Copies of all Reports, since 1875 to date, from the Agent-General, the Health Officer, and Agent for Immigration, to the Government, relative to the Despatch of Emigrants from England or elsewhere, and after their inspection on arrival in the Colony by each ship.
- “(2.) That similar Reports should henceforward be laid upon the Table of the House as soon as practicable after the arrival and inspection of the Immigrants by each ship.
- “(3.) That the above Resolutions be communicated by Address to His Excellency the Governor.”

(*Mr. Macintosh.*)

The Agent for Immigration to The Principal Under Secretary.

Sir,

Immigration Office, Sydney, 18 October, 1887.

I have the honor to report, for the information of the Honorable the Colonial Secretary, that the s.s. "Liguria" arrived on the 6th instant, having on board one married woman, come to join her husband. She was accompanied by two children. These individuals are a portion of the balance of nominated immigrants.

The cost of passage, as per special agreement made by the Agent-General, was at the rate of £15 per statute adult, towards which a total of £3 has been paid by the depositor on account of the nominees, who expressed themselves well satisfied with their treatment during the voyage, and who were forwarded to their destinations in the country to their relative, who had been previously advised of their anticipated arrival.

I have to report that the embarkation list transmitted by the Agent-General contained the names of a Mrs. Naughten and her family of eight, for whom the Agent-General paid one half the cost of their passage-money to the Orient Steam Navigation Company (Lim.) in London; but, on inquiry, I ascertained that these people had been permitted to land at Melbourne; I am therefore unable to certify as to their arrival in this Colony in terms of the agreement, neither can I recommend that the balance of their passage-money should be paid.

I have the honor to suggest that this important matter should be brought specially under the notice of the Agent-General.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM IMMIGRATION AGENT—STEAMSHIP "ORIENT.")

Ordered by the Legislative Assembly to be printed, 8 February, 1888.

FURTHER RETURN to an *Address* adopted by the Honorable the Legislative Assembly of New South Wales on the 6th July, 1877, That, in the opinion of this House, there should be laid upon the Table of this House,—

- “(1.) Copies of all Reports, since 1875 to date, from the Agent-General, the Health Officer, and Agent for Immigration, to the Government, relative to the Despatch of Emigrants from England or elsewhere, and after their inspection on arrival in the Colony by each ship.
- “(2.) That similar Reports should henceforward be laid upon the Table of the House as soon as practicable after the arrival and inspection of the Immigrants by each ship.
- “(3.) That the above Resolutions be communicated by Address to His Excellency the Governor.”

(*Mr. Macintosh.*)

The Agent for Immigration to The Principal Under Secretary.

Sir,

Immigration Office, Sydney, 19 December, 1887.

I have the honor to report, for the information of the Colonial Secretary, that the s.s. "Orient" arrived on the 10th instant, having on board six married women come to join their husbands, together with twenty-five children of ages ranging from a few months up to sixteen years, in all thirty-one souls, equal to twenty-one statute adults.

The cost of passage as per special agreement made by the Agent-General was at the rate of £15 per statute adult, towards which a total sum of £53 has been paid by the depositors on account of the nominees, who expressed themselves well satisfied with their treatment during the voyage, and who were forwarded to their destinations in the country to their relatives, who had been previously advised of their anticipated arrival.

No case of sickness occurred amongst them during the voyage.

I have, &c.,
GEORGE F. WISE,
Agent for Immigration.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CONFERENCE ON CHINESE QUESTION.

PROCEEDINGS OF THE CONFERENCE,

HELD IN SYDNEY IN JUNE, 1888.

MINUTES OF THE PROCEEDINGS.

PAPERS LAID BEFORE THE CONFERENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
19 *June*, 1888.



SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1888.

MINUTES OF PROCEEDINGS

OF THE

CONFERENCE ON CHINESE QUESTION.

At the Executive Council Chamber, Sydney,

12 JUNE, 1888.

The following gentlemen, representing the undermentioned Colonies, were present:—

<i>New South Wales</i> :	The Hon. SIR HENRY PARKES, G.C.M.G., M.P. The Hon. JOHN FITZGERALD BURNS, M.P.
<i>Victoria</i> :	The Hon. DUNCAN GILLIES, M.P. The Hon. ALFRED DEAKIN, M.P.
<i>South Australia</i> :	The Hon. THOMAS PLAYFORD, M.P. The Hon. CHARLES CAMERON KINGSTON, Q.C., M.P.
<i>Queensland</i> :	The Hon. JOHN MURTAGH MACROSSAN, M.P.
<i>Western Australia</i> :	The Hon. SIR MALCOLM FRASER, K.C.M.G., M.L.C.
<i>Tasmania</i> :	The Hon. PHILLIP OAKLEY FYSH, M.L.C.

On the motion of the Honorable THOMAS PLAYFORD, seconded by the Honorable DUNCAN GILLIES the Honorable Sir Henry Parkes, G.C.M.G., was appointed President.

On the motion of the Honorable DUNCAN GILLIES, seconded by the Honorable P. O. FYSH, Mr. Alex. C. Budge was appointed Secretary.

The Commissions of the Representatives were laid upon the Table.

The Conference then proceeded to consider the question of admitting representatives of the Press, when after deliberation it was not considered expedient to do so.

The following Petitions were laid before the Conference and read:—

1. From Quong Tart.
2. From Chinese merchants.
3. From E. Kretsohing.

The Conference unanimously resolved that the President and the Honorable J. F. Burns be a Committee to direct what papers should be printed.

The Honorable CHARLES C. KINGSTON explained the absence of the Honorable Richard Oliver, who is appointed to represent New Zealand.

The Honorable THOMAS PLAYFORD then laid before the Conference a telegram from the Secretary of State to His Excellency Sir W. C. F. Robinson, the Governor of South Australia, which was read.

The Honorable THOMAS PLAYFORD gave notice of the following resolutions:—

- “ 1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- “ 2. That this Conference is further of opinion that the necessary restriction can best be secured through the diplomatic action of the mother country, and by uniform Australasian legislation.
- “ 3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired action.
- “ 4. That this Conference resolves to consider a draft Bill as the basis of the legislation referred to.
- “ 5. That a Committee, to consist of _____ be appointed to prepare the form of representation, and draft Bill.
- “ 6. That the Committee to prepare the Draft Bill be instructed as follows:—
 - “ (1.) That this Bill shall apply to all Chinese.
 - “ (2.) That the restriction should be by way of poll-tax and by limitation of the number of Chinese which any vessel may bring into an Australasian port.
 - “ (3.) That the poll-tax be £30 per head, and the limitation one Chinese to every 200 tons.
 - “ (4.) That the influx of Chinese from one Colony to another without payment of poll-tax be made a misdemeanour.
 - “ (5.) That no Chinese now in Australasia be rendered liable to any payment or penalty other than is provided by existing regulations.”

It was then resolved, unanimously, that voting should be by Colonies.
The Conference adjourned at 4.20 until to-morrow at 9.30 a.m.

Confirmed, 13th June, 1888.

ALEX. C. BUDGE,
Secretary.

HENRY PARKES,
President.

At the Executive Council Chamber, Sydney,

13 JUNE, 1888.

Present :—

<i>New South Wales :</i>	The Hon. SIR HENRY PARKES, G.C.M.G., M.P. The Hon. JOHN FITZGERALD BURNS, M.P.
<i>Victoria :</i>	The Hon. DUNCAN GILLIES, M.P. The Hon. ALFRED DEAKIN, M.P.
<i>South Australia :</i>	The Hon. THOMAS PLAYFORD, M.P. The Hon. CHARLES CAMERON KINGSTON, Q.C., M.P.
<i>Queensland :</i>	The Hon. JOHN MURTAGH MACROSSAN, M.P.
<i>Western Australia :</i>	The Hon. SIR MALCOLM FRASER, K.C.M.G., M.L.C.
<i>Tasmania :</i>	The Hon. PHILLIP OAKLEY FYSH, M.L.C.

The Conference having assembled at 9.30 a.m., the Minutes of yesterday's proceedings were read and confirmed.

The Honorable THOMAS PLAYFORD then brought before the Conference the Resolutions of which he had given notice, as follows :—

- “ 1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- “ 2. That this Conference is further of opinion that the necessary restriction can best be secured through the diplomatic action of the mother country, and by uniform Australasian legislation.
- “ 3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.
- “ 4. That this Conference resolves to consider a draft Bill as the basis of the legislation referred to.
- “ 5. That a Committee, to consist of _____ be appointed to prepare the form of representation, and draft Bill.
- “ 6. That the Committee to prepare the Draft Bill be instructed as follows :—
 - “ (1.) That this Bill shall apply to all Chinese.
 - “ (2.) That the restriction shall be by way of poll-tax and by limitation of the number of Chinese which any vessel may bring into an Australasian port.
 - “ (3.) That the poll-tax be £30 per head, and the limitation one Chinese to every 200 tons.
 - “ (4.) That the influx of Chinese from one Colony to another without payment of poll-tax be made a misdemeanour.
 - “ (5.) That no Chinese now in Australasia be rendered liable to any payment or penalty other than is provided by existing regulations.”

And moved the 1st resolution, which was carried on the following division :—

Ayes.	No.
New South Wales.	Tasmania.
Victoria.	
South Australia.	
Queensland.	

Western Australia did not vote.

The Honorable THOMAS PLAYFORD then moved the second resolution, as amended, viz. :—

“ That this Conference is of opinion that the necessary restriction can best be secured through the diplomatic action of the Imperial Government and by uniform Australasian legislation,” which was carried unanimously.

The Honorable THOMAS PLAYFORD also moved the third resolution, which was carried unanimously.

The Honorable THOMAS PLAYFORD then moved the following resolution in lieu of No. 6 :—

“ That this Conference is of opinion that the desired Australasian legislation should contain the following provisions :—

- “ (1.) That it shall apply to all Chinese, with specified exceptions.” (Carried.)

The Honorable THOMAS PLAYFORD then moved the following resolution (No. 2) :—

“ That the restriction should be by way of poll-tax and by limitation of the number of Chinese which any vessel may bring into an Australasian Port.”

Upon which the Honorable DUNCAN GILLIES moved an amendment as follows :—

“ That all the words after the word ‘ be,’ in the first line be omitted, with a view to the insertion of the following words :—‘ By limitation of the number of Chinese which any vessel may bring into any Australasian Port, to one Chinese to every 500 tons of the ship's burthen.’”

The

The PRESIDENT then put the following motion :—

“That the words proposed to be omitted stand part of the question,”—when it was negatived on the following division :—

Ayes.	Noes.
South Australia.	New South Wales. •
Queensland.	Victoria.
	Tasmania.

Western Australia did not vote.

The amendment was then put and carried upon the following division :—

Ayes.	No.
New South Wales.	Tasmania.
Victoria.	
South Australia.	
Queensland.	

Western Australia did not vote.

The Honorable THOMAS PLAYFORD withdrew No. 3 of the Resolutions.

The Honorable THOMAS PLAYFORD proposed No. 4 as follows :—

“That the influx of Chinese from one Colony to another, without consent of the Colony which they enter, be made a misdemeanour”—which was carried.

The Honorable THOMAS PLAYFORD asked leave to postpone No. 5, which was granted.

A Committee was then appointed, consisting of the Honorable Alfred Deakin, the Honorable Charles Cameron Kingston, and the Honorable John Murtagh Macrossan, to frame and bring up the form of Representation and Draft Bill referred to.

The Conference then adjourned until to-morrow at 9:30 a.m.

Confirmed, 14th June, 1888.

ALEX. C. BUDGE,
Secretary.

HENRY PARKES,
President.

At the Executive Council Chamber, Sydney,

14 JUNE, 1888.

Present :—

<i>New South Wales :</i>	The Hon. SIR HENRY PARKES, G.C.M.G., M.P. The Hon. JOHN FITZGERALD BURNS, M.P.
<i>Victoria :</i>	The Hon. DUNCAN GILLIES, M.P. The Hon. ALFRED DEAKIN, M.P.
<i>South Australia :</i>	The Hon. THOMAS PLAYFORD, M.P. The Hon. CHARLES CAMERON KINGSTON, Q.C., M.P.
<i>Queensland :</i>	The Hon. JOHN MURTAGH MACROSSAN, M.P.
<i>Western Australia :</i>	The Hon. SIR MALCOLM FRASER, K.C.M.G., M.L.C.
<i>Tasmania :</i>	The Hon. PHILLIP OAKLEY FYSH, M.L.C.

The Conference having assembled at 9:30 a.m., the Minutes of the Proceedings of the 13th instant were read and confirmed.

The Committee appointed to frame the form of Representation to the Imperial Government and the Draft Bill, laid the same on the Table, when they were read, and the Conference went into Committee on the Bill.

After considering the Bill clause by clause, and making certain amendments, it was adopted.

Tasmania voted against the Bill.

Western Australia did not vote.

The Conference next proceeded to the consideration of the proposed Representation to be made to the Secretary of State for the Colonies, as drawn up by the Committee, when it was agreed to, with amendments.

A telegram from Sir Thomas McIlwraith, Premier of Queensland, to the Honorable J. M. Macrossan, on the subject of Lord Knutsford's [circular] telegram to the Governors of the Australasian Colonies, was then read, as follows :—

“Brisbane, 14 June, 1888.

“Cabinet have considered confidential telegram from Lord Knutsford, and unanimously disapprove of his suggestion to place all foreign labourers on the same footing, with power to relax the regulations in certain cases.”

The Honorable ALFRED DEAKIN proposed, and the Honorable JOHN M. MACROSSAN seconded, the following resolution :—

“That the Governments of the Colonies represented at the Conference, with the exception of the Governments of New South Wales and Western Australia, undertake to introduce to their respective Parliaments measures which shall, while providing for the particular local circumstances of each Colony, approach as closely as possible to the draft Bill which has been adopted by the Conference, and shall contain nothing inconsistent therewith,”

which was carried upon the following division :—

Ayes.	No.
Victoria.	Tasmania.
South Australia.	
Queensland.	
Western Australia.	

The

The Representatives of New South Wales at the Conference desired to place the following memorandum on record :—

“We the undersigned Representatives of New South Wales at the Conference of the Australasian Colonies on the Chinese question, being unable to join in the last preceding Resolution, in consequence of legislation now before Parliament, do hereby concur in and agree to the policy embodied therein ; and so soon as two or more of the other Colonies have passed into law the Typical or Uniform Bill agreed upon by this Conference, we further agree to take the necessary steps to bring the law of New South Wales into strict harmony with those of the other Colonies, reserving to New South Wales, however, the right of any variations or additions not inconsistent with the main principles of Agreement.

HENRY PARKES.
J. F. BURNS.”

The Honorable Sir MALCOLM FRASER also desired to place on record the following memorandum :—

“Sir Malcolm Fraser could engage that the Bill should be laid before the Legislative Council of Western Australia, but could not state what action the Government of that Colony would take in regard to it.”

The Honorable PHILLIP O. FYSH also desired to place on record the following Memorandum :—

“June 14, 1888. Tasmania dissents from the decision of the Conference ‘That further restriction of Chinese immigration is essential to the welfare of the people of Australasia,’ because the vigorous legislative action of the Colonies has already proved successful in limiting the number of Chinese immigrants—a fact which is established by statistics and admitted in the Ministerial memorandum of Victoria upon this subject, dispatched in March last ; also, from the engagement by the Governments to secure, if practicable, the early passage of a measure similar to the Draft Bill through their respective Parliaments without waiting the result of the representations made by cable to the home authorities as being inconsistent with the request made by the Government of New South Wales, Victoria, Queensland, and Tasmania, for home Government intervention in the matter which this Bill proposes to dispose of, and because all that need be desired may be accomplished by treaty, while drastic legislation, if preceding diplomatic efforts, may prove embarrassing and engender international bitterness ; and because convinced that upon occasions when the insular interests of the Colonies can be secured in connection only with those which are Imperial it behoves these Colonies to remember that their preservation is maintained by British forces and that Colonial Acts must be justified by the Home Government. Tasmania dissents from the main purposes of the Draft Bill, because no exception is made which would enable Chinese residents to improve their social condition by the introduction of their wives. It ignores the rights of such naturalized British subjects as may be at present absent from the Colonies who have children in the Colonies born of British wives and have accumulated property under the sanction of Colonial laws. It makes no exception in favour of Chinese born under English rule in Hongkong and elsewhere. It disregards the climatic characteristics of the northern territories of Queensland, South Australia, and Western Australia, which are a barrier to successful occupation, except in pursuit of avocations peculiarly tropical and unsuitable to European labour.

P. O. FYSH.”

The Honorable PHILLIP OAKLEY FYSH proposed, and the Honorable JOHN M. MACROSSAN seconded, the following resolution, which was unanimously agreed to :—

“That the record of the proceedings of the Conference be communicated by the President to the Representative deputed by New Zealand to attend this Conference, on his arrival, and that in the event of the concurrence of the Governor or that of the representative of New Zealand being obtained, the President be requested to communicate the fact to the Secretary of State for the Colonies, through his Excellency the Governor.”

The Honorable THOMAS PLAYFORD, with the consent of the Conference, withdrew the Resolution No. 5 of which notice had been given by him yesterday.

The Honorable DUNCAN GILLIES then proposed, and the Honorable PHILLIP OAKLEY FYSH seconded, the following Resolution :—

“That the President of the Conference be instructed to request His Excellency the Governor to transmit the joint Representation adopted by the Conference to the Secretary of State for the Colonies,”

which was unanimously agreed to.

The Honorable Sir MALCOLM FRASER proposed, and the Honorable THOMAS PLAYFORD seconded, the following Resolution :—

“That the substance of the joint Representation be transmitted to the Governors of the Australasian Colonies,”

which was unanimously agreed to.

The Honorable THOMAS PLAYFORD proposed and the Honorable DUNCAN GILLIES seconded the following resolution :—

“That the thanks of the Conference be given to Sir Henry Parkes, G.C.M.G., for the great services he has rendered in the important position he has occupied as President of the Conference,”—

which was unanimously carried.

The Honorable ALFRED DEAKIN then proposed and the Honorable CHARLES C. KINGSTON seconded the following resolution, which was unanimously carried :—

“That the thanks of the Conference be given to Mr. Alex. C. Budge for the efficient services rendered by him as Secretary.”

The Conference then adjourned.

ALEX. C. BUDGE,
Secretary.

HENRY PARKES,
President.

CHINESE CONFERENCE.

[Circular.]

Telegram from Secretary of State to Sir W. C. F. Robinson,
Governor of South Australia, to be forwarded to the
Governors of the other Colonies.

REFERRING to your telegram of 22nd May, inform Conference Her Majesty's Government anxious to meet views of Australian Colonies with regard to limiting Chinese immigration, but measures adopted by New South Wales create obstacles to present negotiations with China. It is, therefore, important to ascertain whether, in substitution for legislation of a similar kind, other arrangements more in accordance with feeling and views of Chinese Government, and at the same time fully effective for the purpose of restricting Chinese immigration, may not be adopted. Having regard to political and commercial interests of Empire, and particularly to commercial interests of Australian Colonies, no avoidable obstacles should be placed in the way of trade which are likely to afford valuable market for products of Australian Colonies. Chinese Government specially objects to legislation for placing Chinese emigrants on different footing to subjects of any other power; and it seems desirable to consider whether laws and regulations equally restricting immigration into Colonies of all foreign labourers, with powers of relaxing regulations in special cases reserved to Governments, may not meet requirements of case. If thus placed on equal footing with other nations, Chinese Government, if it were still thought necessary to come to an international arrangement, might be willing to accept conditions more or less of a similar kind to conditions laid down in Treaty concluded with United States of America, and limitation of numbers which would be permitted to embark for any of Australian Colonies. In any case it should be clearly understood that, while Her Majesty's Government will be prepared to consider any representations from Conference, they are not at present able to give any assurance that negotiations with Chinese Government can be opened, as it depends on nature of proposals to be made to that Government; but I confidently believe that Conference will endeavour to conciliate susceptibilities of Chinese Government as far as possible.

KNUTSFORD.

The President of the Conference to His Excellency Lord
Carrington.

My dear Lord Carrington,

14 June, 1888.

As President of the Conference on the Chinese Question, I am instructed to request your Excellency to transmit to the Right Honorable the Secretary of State for the Colonies the enclosed telegrams as unanimously agreed upon by the Conference.

I enclose also a Draft Bill agreed upon to be introduced in the respective Parliaments to carry out the decisions of the Conference.

Yours very sincerely,
HENRY PARKES.

Cablegram to Secretary of State.

At the Australasian Conference, held in Sydney on the 12th, 13th, and 14th inst., at which the Colonies of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia were represented, the question of Chinese Immigration, and your cablegram to the Governor of South Australia in connection therewith, were fully considered.

The Members of the Conference are sensible of the wish of Her Majesty's Government to meet the views of the Colonies, and have specially deliberated upon the possibility of securing legislation which, while effective, should be of a character so far as possible in accordance with the feeling and views of the Chinese Government. They have not overlooked the political and commercial interests of the Empire, nor the commercial interests of the Colonies.

In

In 1886 the total exports to China from New South Wales, Victoria, South Australia, Queensland, and Tasmania were valued at £16,000, out of a total export trade amounting to £38,700,000. Our imports from China in the same year were valued at £846,000. While the custom of the Colonies, therefore, is very valuable to China, that country offers no present outlet of importance for Australasian trade. There has never been any attempt on the part of any of the Colonies to close their markets to the exports of the Chinese Empire, although most, if not all of them, are now produced in great quantities in the British Empire of India.

The suggestion that any restrictions which are to be imposed should be of a general nature, so as to give power to exclude European or American immigrants, has been very carefully deliberated upon, but no scheme for giving effect to it has been found practicable.

As the length of time to be occupied in negotiations between the Imperial Government and the Government of China is uncertain, and as the Colonies in the meantime have reason to dread a large influx from China, the several Governments feel impelled to legislate immediately to protect their citizens against an invasion which is dreaded because of its results, not only upon the labor market but upon the social and moral condition of the people.

At the same time the Conference is most anxious that Her Majesty's Government should enter into communication with the Government of China, with a view to obtaining as soon as possible a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies. By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese immigrants. While believing that the local legislation now proposed will accomplish its object, the Colonies would prefer that the exclusion of the Chinese should be brought about by international agreement of a friendly nature as in the case of the United States.

The Conference further desires that Her Majesty's Government should induce the Governments of the Crown Colonies of Hongkong, Straits Settlements, and Labuan, to at once prohibit the emigration of all Chinese to the Australasian Colonies unless they should belong to the classes above mentioned. The Chinese who may claim to be considered British subjects in those Colonies are very numerous, and the certainty that their migration hither was prevented would give great and general satisfaction.

The resolutions arrived at by the Conference, and which have been embodied in a draft Bill, are as follows:—

- “1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- “2. That this Conference is of opinion that the necessary restriction can best be secured through the diplomatic action of the Imperial Government, and by uniform Australasian legislation.
- “3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.
- “4. That this Conference is of opinion that the desired Australasian legislation should contain the following provisions:—
 - “1. That it shall apply to all Chinese, with specified exceptions.
 - “2. That the restriction should be by limitation of the number of Chinese which any vessel may bring into any Australasian port to one passenger to every 500 tons of the ship's burthen.
 - “3. That the passage of Chinese from one Colony to another without consent of the Colony which they enter be made a misdemeanour.”

The first and fourth resolutions were endorsed by all the Colonies except Tasmania, who dissented and Western Australia who did not vote, while the second and third were carried unanimously. As a whole, therefore, they faithfully represent the opinion of the Parliaments and peoples of Australia.

In conclusion, the Conference would call attention to the fact that the treatment of Chinese in the Australasian Colonies has been invariably humane and considerate, and that in spite of the intensity of popular feeling, during the recent sudden influx, good order has been everywhere maintained. In so serious a crisis the Colonial Governments have felt called upon to take strong and decisive action to protect their peoples, but in so doing they have been studious of Imperial interests, of International obligations, and of their reputation as law-abiding communities. They now confidently rely upon the support and assistance of Her Majesty's Government in their endeavour to prevent their country from being overrun by an alien race who are incapable of assimilation in the body politic, strangers to our civilization, out of sympathy with our aspirations, and unfitted for our free institutions, to which their presence in any number would be a source of constant danger.

HENRY PARKES,
President.

51^o VICTORIÆ, 1888.

A BILL

For the Restriction of Chinese Immigration.

WHEREAS at a meeting of representatives of Australasian Preamble.
Governments, held at Sydney in the month of June, one thousand eight hundred and eighty-eight, it was amongst other things resolved that it was desirable that uniform Australasian legislation should be adopted for the restriction of Chinese immigration: And whereas the provisions of this Act were approved by such representatives as the basis of such uniform legislation: And whereas it is desirable to legislate on such basis accordingly: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. In the construction of this Act the following words shall Interpretation.
have the following meanings:—

“Chinese” shall include every person of Chinese race not exempted from the provisions of this Act.

“Vessel” shall include every ship, boat, or vessel.

“Master” shall include every person, other than a pilot, for the time being in command or charge of any vessel.

2.

Chinese Immigration Restriction.

Exemptions.

2. This Act shall not apply—

- (I) To any person duly accredited to any Australasian Colony by any Government, as its representative, or on any special mission.
- (II) To the crew of any vessel not being discharged therefrom in the Colony, and not landing in the Colony, except in the discharge of duties in connection with such vessel.
- (III) To any persons, or any class of persons, who shall for the time being be exempted from the provisions hereof.

Power to declare exemptions.

3. It shall be lawful for the Governor in Council from time to time, by proclamation to be published in the *Government Gazette*, to declare that the provisions of this Act shall not apply to any person or any class of persons to be mentioned in such proclamation, either generally or for any time to be fixed by such proclamation, and any such proclamation may be revoked by the Governor in Council by proclamation to be published in the *Government Gazette*.

Master, on arrival, to report Chinese on board.

4. The master of every vessel, upon arrival at any port or place in this Colony from parts beyond the Colony, and having any Chinese on board, shall forthwith, and before making any entry at the Customs, deliver to the Collector or other principal officer of Customs at such port or place a statement specifying to the best of his knowledge and means of information, the number of Chinese on board such vessel, and the places of shipment and destination, and the name, calling, or occupation of each such Chinese. And for any default in the observance of this section such master shall on conviction be liable to a penalty of *one hundred pounds*.

No vessel to bring more than one Chinese passenger for every 500 tons burthen.

5. No vessel shall enter any port or place in the Colony having on board a greater number of Chinese than in the proportion of one Chinese to every five hundred tons of the tonnage of such vessel, such tonnage to be ascertained if the vessel shall be British by her certificate of registry, and if otherwise, or if such certificate shall not be produced, then according to the rules of measurement provided by the "Merchant Shipping Act, 1854." And if any vessel shall enter any port or place in the Colony, having on board any Chinese in excess of such number, the owner, master, or charterer of such vessel shall, on conviction, be liable to a penalty of *five hundred pounds* for each Chinese in excess of such number.

Penalty on entry by land without permit.

6. Any Chinese who shall enter this Colony by land without first obtaining a permit in writing from some person to be appointed by the Governor in Council, shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding *six* calendar months, and in addition or substitution for any such imprisonment shall be liable, pursuant to any warrant or order of the Magistrate or Justices by whom he shall be convicted, to be removed or deported to the Colony from whence he shall have come.

Appropriation of penalties and payments under Act.

7. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue.

Evidence of person being a Chinese.

8. For the purposes of all proceedings under this Act, the Stipendiary or Police Magistrate or the Justices may decide, upon his or their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

Provision against evading Act by transshipping Chinese into other vessels.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to the provisions of this Act.

Chinese Immigration Restriction.

10. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law. Power to make regulations.

11. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorized by the Colonial Treasurer, or of other officers appointed for such purpose, by like authority before any Stipendiary or Police Magistrate or two or more Justices of the Peace, in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Colonial Treasurer, by writing under his hand, to authorize any officer to detain any vessel, the master whereof shall, in the opinion of the said Treasurer, have committed an offence, or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found, or at any port or place to which the said Treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this Act: Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony: Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue, and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto, the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold. Penalties how recovered.

12. No poll-tax shall hereafter be taken or demanded from in respect of any Chinese. OR Abolition of poll-tax.

13. This Act may be cited for all purposes as the "Chinese Immigration Restriction Act, 1888." Short title.

APPENDICES.

1. Memorial from Chinese Merchants.
2. Letter from Quong Tart.
3. Memorial from Chinese Residents in Australasia.
4. Letter from Chinese Residents in Victoria.

Appendices.

No. 1.

To the Honorable the Representatives of the Australasian Colonies, meeting in Conference upon the Chinese Question in Sydney, June, 1888,—

The humble Memorial of the undersigned Chinese Merchants resident in Sydney, on behalf of themselves and other Chinese resident in Australasia and New Zealand,

RESPECTFULLY SHOWETH,—

1. That by Article Five of the Treaty of Peking, made on the twenty-fifth day of October, one thousand eight hundred and sixty, between Her Majesty the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China, it was, amongst other things, provided that the Chinese, in choosing to take service in the British Colonies or other parts beyond the seas, were to be at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families in British vessels at the open ports of China.

2. Your Memorialists would respectfully refer to the rights given to British subjects to reside in and own property in China, and to travel therein.

3. Upon the faith of the above treaty, and upon legislation passed in the various Australasian Colonies, Chinese have come to the Australasian Colonies; some have married European women there; many are still residents there, while others have left temporarily, and have in such cases obtained certificates authorizing them to return within a certain time.

4. The Chinese merchants and traders resident in the Australasian Colonies from time to time require in the ordinary course of their business to visit the other Australasian Colonies, and your Memorialists would respectfully point to the great hardship that would be inflicted on them if provision be not made for them visiting such Colonies.

5. Your Memorialists would also respectfully point out that in the proposal to impose a poll-tax so high as the sum of one hundred pounds per head upon any Chinese coming to any one of the Australasian Colonies, that such amount is unduly severe and unnecessarily high on the one hand, while on the other the very magnitude of the tax would hold out inducement to breaches of the law.

6. Your Memorialists would also respectfully point out the hardship Chinese would be liable to if provision be not made for the performance of existing engagements with the Chinese in reference to their right to return to the Colonies, if so returning within the time specified in their exemption tickets.

7. Your Memorialists would also point out the hardship and injury to the Chinese who may have become naturalized British subjects, and who now own property in any of the Australasian Colonies, if they be not allowed, after due examination, to return to their homes.

8. Your Memorialists would respectfully refer to the fact of the general reduction during the last few years of the numbers of the Chinese resident in Australia (with the exception of Port Darwin under special circumstances).

9. Your Memorialists would respectfully refer to the proposal to exclude Chinese from mining, it being well known that the Chinese only follow the Europeans, and make a living where Europeans cannot, and the mining by the Chinese means the saving to the country of a large amount of wealth that would otherwise be lost.

Your Memorialists therefore humbly pray that your Honorable Conference will take this memorial under favourable consideration.

And your Memorialists will ever pray, &c.

QUONG TART, Sydney, Merchant.
 JAMES UNG QUOY, George-street North, Merchant.
 SUN KUM TIY, George-street, Merchant.
 YUEN LAH, Queen's-street, Merchant.
 ONYIK & LEE, George-street, Merchants.
 W. GOLDTOWN, King-street, Agent.

No. 2.

Mr. Quong Tart to The Honorable the Chairman of the Intercolonial Conference.

Honorable Sir,

Sydney Arcade, 12 June, 1888.

I have the honor to respectfully offer my services, as a Chinese resident and naturalized British subject, in any capacity that may be considered by your honorable Assembly to be of use in arriving at the general opinion of the Chinese residents in Australasia, respecting your intended legislation in the different Colonies concerning the Chinese.

My services have been availed of by the Government of New South Wales on several occasions recently, and my knowledge of Colonial life in its various phases, on the diggings and as a business man generally, enables me (subject to your approval), to explain matters which possibly may require explanation at your distinguished Conference.

Kindly and respectfully apologising for approaching your august body,

I have, &c.,
 QUONG TART.

No. 3.

No. 3.

To the Honorable Sir Henry Parkes, K.C.M.G., &c., &c., Premier and Colonial Secretary, &c., &c.,
Chairman of the Intercolonial Conference, now being held at Sydney, June, 1888.

Sir,

In presenting our humble Memorial to your most august body, and prefacing the same by reference to Article V of the Convention of Peace, signed between Her Most Gracious Majesty the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China, on the 24th October, 1860, we consider that the Articles of Convention for purposes indicated are virtually Articles of Treaty as understood by the representatives of the people now and then concerned.

That the general opinion is good and has been ratified is clearly proven by the number of Chinese emigrants and passengers from time to time leaving the open ports of China (their good conduct guaranteed) for English Colonial possessions without any previous or present violation of existing treaties.

We would humbly and respectfully submit to your Honorable Conference the fact that in the Australasian Colonies there are numbers of Chinese inhabitants from the different Provinces of China, who have left the open ports referred to in the *Treaty of Tien-Tsin*, and merely mentioned as matters of detail in the Convention of Peking in our Memorial.

The Chinese residents of Australasia would deeply deplore any legislation altering the present friendly relations of the subjects of Her Most Gracious Majesty the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China in any portions of the British Empire and the Empire of China.

Our commercial intercourse, and the desire of further amity to preserve the peace and harmony of both nations, for mutual welfare, is the earnest wish and good prayer of

Your most humble and obedient servants,

QUONG TART,	JAMES UNG QUOY,
YUEN TAH,	SUN KUM TIY,
ONYIK & LEE,	W. GOLDTOWN.

On behalf of, and with the approval of, the Chinese residents of South Australia,
Victoria, New South Wales, Queensland, and Tasmania,

No. 4.

Chinese Question.

To the Representatives of the Australian Governments in Conference assembled.

Honorable Sirs,

The Chinese residents of Victoria, through this Committee, beg respectfully to approach your honorable Conference in the hope that under the deep sense of responsibility attaching to your present deliberations you may see clearly that there are two sides to this important question. Locally, we have had scant courtesy shown to us as subjects of a great and friendly power, and this is probably the experience of our brethren at many other Australian ports, but of this we do not speak at present.

We consider the "Cry" of a great influx of Chinese as one of those poor hollow things that time and reflection will cause the generous British mind to feel heartily ashamed of, but at the same time the cruel injustice inflicted under it may be far reaching. "Behold how great a matter a little fire kindleth."

Our own land has no equal on earth for fertility and resources, which by and bye will cause her to weigh heavy in the scale of nations, and therefore we assure you, honorable Sirs, that the question whether a few stragglers should emigrate from such a stupendous empire like China, is one of perfect indifference to her Government or her people. But the evil treatment of the few that are here or who have been recently turned away from these shores is a different matter altogether. We hope it may not be, but fear it may, that a deep wound has been inflicted that will rankle and bear evil fruit in the near future. Our late Ambassador in London spoke wise words when he said before a British audience, "we look to you and the representatives of your Colonial possessions now in London, to see that these returning Chinese bring nothing home with them but what will promote peace and good will between the two countries—no memories of suffering, injustice, or exceptional treatment." And we commend these words to the thoughtful consideration of the Conference.

In a vivid epoch in the history of your own great country, it was not so much the severance of the political tie which bound the American Colonies to the Mother Country, as the cruel heritage of strife that was left to rankle, causing sore grief to the wise men of both lands. But for this heritage it is possible that to-day they might have been so united by common feeling as to stand out to view as the arbitrators of the world. Notwithstanding the impassioned protests of a few splendid men the strife was entered on with a light heart by the ruling statesmen of the day, and though as yet we have had no Colonial Statesmen to protest against the injustice we have been subjected to, yet in this connection we are glad to admit that in our intercourse with the best class of Colonists we have found amongst them a feeling of repugnance at, and an utter detestation of, the treatment which our countrymen have received at the hands of the various Colonial Governments. We draw the moral from the American incident just referred to, that it is much easier to plant a thorn in the national feeling than to withdraw it, or heal the wound.

We affirm that the Chinese are a peaceable, industrious, and a law-abiding people, and that they are not insensible of, nor ungrateful for, the protection of wise laws justly administered. What they do complain of is —

1. That the laws have been strained and tortured to oppress them.
2. That the laws have even been broken to inflict harsh treatment and injustice.
3. That by the hasty and violent conduct of various Colonial Governments which should have held the scales of justice evenly balanced, the more ignorant portion of the population have been incited and encouraged to outrage the feelings and show contempt and hatred to our countrymen.

We

We think all this is bad and foolish for these reasons.

That a time may come, nay probably, will come sooner than is supposed, when the presence and power of China as a great nation will be felt in these seas, and it lies with you to say, as wise men or otherwise, if this is to be for good or for evil.

That injustice, inhumanity, and violence afford a poor foundation to build up the life of a young nation, and however popular in the meantime it may be with the unthinking multitude, yet we are most sure such weapons mean disaster in the future to the users.

The stringency of the laws at present regulating immigration from China effectually preclude many being added to the population even if it were much desired. We, however, do not hesitate to confidently affirm that were the ports open and free, the Chinese population of Australia would always remain an insignificant portion of the whole.

Finally, it is our belief that the matter your honorable Conference has in hand is weighty—no mere family quarrel, but one that touches most intimately international rights and obligations—dealing as it does with the stranger within your gates. It cannot be decided by a wave of the hand, nor by heated public orations.

The Supreme Court of one Colony has declared "it is not aware that such a course of conduct as has been pursued in reference to the Chinese has ever been adopted at any period of our history." Imperial Statesmen have counselled you that friendship with China was well worth purchasing at the cost of a little sacrifice. We trust, therefore, that for the sake of the two great countries whose interests are involved that the dictates of humanity and justice may rule your deliberations, and that you will be guided to remember that it is righteousness alone which exalteth a nation, but that sin is the reproach of any people.

We have the honor to remain your most obedient servants,

For and on behalf of the Committee of Chinese residents, Melbourne,

CHEOK KONG CHEONG,

Chairman.

LI AH MONG.

W. SHI GUN.

JAMES MOY LING.

SUN SUEY SHING.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE CHINESE.

(CORRESPONDENCE RESPECTING CONFERENCE.)

Ordered by the Legislative Assembly to be printed, 30 May, 1888.

Telegram from The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

Melbourne, 3 November, 1887.

Do you propose to legislate on Chinese question this Session; if so, can we come to an understanding on the subject as to proposals?

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P., Victoria.

Sir,

Colonial Secretary's Office, Sydney, 4 November, 1887.

In reference to the question of the settlement of Chinese in Australasia in its whole bearing upon the national development and permanent welfare of these communities, I have the honor to state for your information that in the opinion of this Government it would be a great advantage if all the Colonies could agree upon a measure of restriction, or perhaps, more correctly speaking, of practical prohibition, which should be framed on the same terms, and impose the same conditions. Although in the vast extent of Australian territory questions of climate and of the suitability of the soil for special industries must necessarily raise difficulties in the application of labour to productive capabilities much greater in some parts than in others, still the main subject cannot, I apprehend, be safely put aside by any Australian Government. And it seems to me that it can hardly be considered with satisfactory results, except in view of the better qualities rather than the worst characteristics of the Chinese,—their self-denial, plodding industry, persistency of purpose, and powers of imitation; and these striking individual qualities again in the light of the enormous numbers of the Chinese nation, their 400,000,000 to our less than 4,000,000 of souls.

2. I shall be glad to learn from you what the Government of Victoria may consider called for as an adequate basis of any new measure, with an earnest desire on the part of this Colony to co-operate with the other Colonies in the most effectual remedial legislation.

I have, &c.,
HENRY PARKES.

The Colonial Secretary, New South Wales, to The Colonial Secretary, Queensland.
(Circular also to South Australia, Tasmania, and New Zealand.)

Sir,

Colonial Secretary's Office, Sydney, 8 November, 1887.

I have the honor to invite your consideration to the expediency of new legislation in relation to the Chinese; and I enclose copies of correspondence which has already taken place between this Government and the Government of Victoria on the subject.

2. I do not myself join with those who are ever railing against the degraded character of the Chinese. It is on very different grounds that I consider their settlement in large numbers in the Australasian Colonies open to grave objection. For the soundest of political and social reasons it is inadvisable and fraught with serious evils to allow sharply-defined class distinctions to grow up in these Colonies, where the common elements of success—industry, good conduct, and perseverance—should leave the race of emulation open to all alike. I hold it to be a question of policy of the first magnitude to cement society together in Australia by the same principles of faith and jurisprudence, the same influences of language and learning, and the same national habits of daily life.

3. I shall be glad if you will inform me of the views of your Government on the general question, and of the provisions which you consider should be embodied in any new measure of restriction.

I have, &c.,
HENRY PARKES.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Melbourne, 19 November, 1887.

I have the honor to acknowledge the receipt of your letter of the 4th instant, relative to the question of the settlement of Chinese in Australasia, and to state that I quite agree with you in the obvious desirability of uniform action on this most important subject.

It appears, from the state of business in the several Colonial Parliaments that it is scarcely possible to deal with the matter during the Sessions now current. Indeed, in order to concerted action, it seems necessary that the Governments concerned should confer and exchange views as to the best course to adopt.

I hope soon to communicate with you on the subject, and, meanwhile, shall be very glad to learn your views.

Perhaps I may venture to direct your attention (in case it should not have been brought under your notice) to the valuable and most comprehensive report on the subject, by the Canadian Royal Commission, published in 1885.

I have, &c.,

D. GILLIES,
Premier.

The Honorable P. O. Fysh, M.L.C., Tasmania, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Hobart, 25 November, 1887.

I have the honor to reply to your letter of the 8th instant, inviting my consideration to the expediency of new legislation in relation to the Chinese.

The question is one which has not hitherto so seriously affected Tasmania as some of the other Colonies, but the increasing number of Chinese immigrants to this Colony is beginning to attract attention, and has led, during this Session of Parliament, to the passing of a measure which imposes a poll-tax of £10 per head on each male Chinese arriving in the Colony.

With this measure it is anticipated that the Colony will be content for the present, that is in so far as its own immediate interests are concerned, but, in the broader view of our relations with the Australian Colonies, it might be considered desirable to act in concert with them, and so make the question one of general Colonial concern.

It appears to me to be a question that might well be referred to the Federal Council,—in which I hope the day is not far distant when New South Wales will be represented.

With you I do not join in the outcry against the Chinese, on the ground of their degraded character, for whatever their habits and vices may be, they are possibly the more offensive only because they are less cloaked than the evil habits and vices of our own people. Generally, they must be regarded as a law-abiding, industrious class, whose presence would not only be tolerated but courted, were it not that they are regarded by our labouring classes as undesirable competitors in the struggle for existence.

This latter view is that which will almost certainly be the actuating impulse towards legislation in regard to the Chinese. However selfish it may appear to cry "Our country for our own people," the cry is in accordance with the instincts of nations, and indeed is in accord with the sacred instincts of the family when "kith and kin" are sheltered to the exclusion of strangers. Nations and Colonies must be governed, and certainly where democracy exists will be governed so as to promote the prosperity of their own people, and an undue influx of foreigners who bring no capital but their labour will ever be regarded as prejudicial to the interests of those who have to compete with them in the labour market.

Absolute prohibition of Chinese immigration would perhaps be too extreme a measure for any of the Australian Colonies to adopt, but probably sufficient limitation would be placed upon it by levying a high poll-tax on each new arrival, an annual residence tax on each resident, and by the enforcement of stringent enactments regulating their social habits, sanitary arrangements, &c. In such a way the residence of a limited number of Chinese might contribute both to their advantage and our own.

In conclusion I may repeat my convictions that the question is one for the federal action of the Colonies, and that, unless it is undertaken in such a way, or at any rate in a federal spirit, it is unlikely that this Colony will be prepared to move further at present than has been authorized by the Legislature during the present Session.

I have, &c.,

P. O. FYSH.

Telegram from The Colonial Secretary, New South Wales, to The Honorable
Duncan Gillies, M.P., Victoria.

Sydney, 28 November, 1887.

CAN you give me any reply more definite than by your letter of the 19th to my letter of the 4th instant, respecting new legislation for protecting these Colonies from the influx of Chinese? I was anxious that we should act in concert on this question, but in view of information we have received of the probable arrival of a shipload of Chinese I feel that I cannot delay proceeding in the matter.

Telegram from The Colonial Secretary, New South Wales, to The Colonial
Secretary, Queensland.

(Circular also to South Australia, Tasmania, and New Zealand.)

Sydney, 28 November, 1887.

CAN you give me any reply to my letter of the 8th instant respecting new legislation for protecting these Colonies from the influx of Chinese. I was anxious that we should act in concert on this question, but, in view of information we have received of the probable arrival of a shipload of Chinese, I feel that I cannot delay proceeding in the matter.

[NOTE.—The foregoing correspondence was laid upon the Table of the Legislative Assembly on the 30th November, 1887.]

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 9 May, 1888.

It occurs to the South Australian Ministry that in the present aspect of the Chinese question unity of action amongst all the Colonies of Australasia is most likely to satisfactorily effect our common purpose of restricting Chinese immigration. We think also that this unity can best be secured by a Conference of representatives of the different Governments when the matter might be fully discussed and a joint course agreed upon. We suggest therefore that such a Conference should be held with all possible despatch, and we shall be happy to make arrangements for the representation of this Government at such time and place as may be most convenient to all. We are addressing a similar communication to the other Australian Governments, and we are anxious to receive your early reply to our suggestion.

T. PLAYFORD.

Telegram from The Colonial Secretary, New South Wales, to The Honorable Thos. Playford, M.P., South Australia.

Sydney, 9 May, 1888.

THIS Government will be glad to act with the other Australian Governments on the Chinese difficulty, and are quite agreeable to a Conference, each Colony under responsible Government to be represented by two Members of the Executive; but the business before Parliament is at present so serious with us that no two Ministers can leave Sydney.

HENRY PARKES.

Circular Telegram from The Colonial Secretary, New South Wales, to Victoria, South Australia, Tasmania, Queensland, and New Zealand.

Sydney, 11 May, 1888.

IF Conference on Chinese difficulty is held we think it should be limited to Colonies under Responsible Government, as such alone can act for themselves, and that each Government should be represented by two Members of Executive Council. We shall be very glad to act with other Colonies, but are prepared to act alone. Regret that, owing to pressure of Parliamentary business, Ministers cannot leave Sydney at present time.

HENRY PARKES.

Telegram from The Honorable P. O. Fysh, M.L.C., Tasmania, to The Colonial Secretary, New South Wales.

Hobart, 11 May, 1888.

HAVE been compelled to decline attendance at Conference on Chinese question owing to preparations to meet Parliament.

P. O. FYSH.

Telegram from The Colonial Secretary, Queensland, to The Colonial Secretary, New South Wales.

Brisbane, 14 May, 1888.

I SEE no objection to Western Australia being represented at the Conference on Chinese question. I think two Ministers from each Colony should attend, if possible.

S. W. GRIFFITH.

Telegram from The Honorable Sir H. A. Atkinson, M.P., New Zealand, to The Colonial Secretary, New South Wales.

Wellington, 14 May, 1888.

RE Chinese, after further consideration this Government is of opinion that no Conference is necessary if each Colony jointly or singly urges the Imperial Government to conclude Treaty with China similar to American Treaty.

H. A. ATKINSON.

Telegram from The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P., Victoria.

Sydney, 15 May, 1888.

WE have no definite information in respect to Conference on Chinese. It seems to me that the four Colonies of Victoria, South Australia, Queensland, and New South Wales are the only Colonies where the question presses. This Government, in reply to telegram from Secretary of State, has to-day informed the Home Government that at all hazards we will prevent the landing of Chinese.

HENRY PARKES.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 15 May, 1888.

RE Chinese Conference we do not favour the exclusion of Western Australia, but rather consider that it would be of great importance, if possible, to secure her co-operation. We still await her reply. We have heard favourably from Victoria, New Zealand, and Queensland as to holding a Conference, and we are communicating with them suggesting that the Conference should meet in Sydney on the 19th June, and that each Colony should be represented by two members of the Executive. We have also intimated that we shall, if necessary, ask our Parliament to consent to a short adjournment. We shall be glad to hear that this will meet your views.

T. PLAYFORD.

Telegram

Telegram from The Colonial Secretary, New South Wales, to The Honorable
Thos. Playford, M.P., South Australia.

Sydney, 16 May, 1888.

NEW Zealand has communicated to us that they do not consider Conference necessary, and I must confess I do not see the value of a Conference a month hence. We consider that the Imperial Government utterly fail to comprehend the gravity of the case, and we have decided to legislate on the subject before proceeding with other business. Four vessels here with Chinese on board, guarded by detachment of police.

HENRY PARKES.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The
Colonial Secretary, New South Wales.

Adelaide, 16 May, 1888.

Re Chinese Conference, we respectfully suggest for your consideration that immediate decisive legislation by any one Colony on any subject properly coming within the scope of the intended Chinese Conference might affect the probability of our securing our joint objects and the utility of the Conference, and should, if possible, be postponed, pending the result of joint Australian deliberations to obviate any convenience attaching to delay. We shall be prepared to agree to any proposal for expediting the meeting of the Conference which may be agreeable to all interested.

T. PLAYFORD.

Telegram from The Colonial Secretary, New South Wales, to The Honorable
Thos. Playford, M.P., South Australia.

Sydney, 16 May, 1888.

YOUR Telegram of this date answered by message just sent.

HENRY PARKES.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial
Secretary, New South Wales.

Adelaide, 16 May, 1888.

Re Chinese Conference, we suggested 19th June as the date of assembly, chiefly to meet what we judged would be the convenience of the New Zealand Government; if, however, New Zealand cannot be prevailed upon to adhere to her original decision, to be represented at the Conference, this would probably facilitate a much earlier meeting, say before the end of the present month. We feel most strongly that a Conference is essential to securing uniformity of Australasian action, both as regards domestic legislation and representations to the Home Government; and no doubt success will greatly depend upon this. Awaiting your early reply.

T. PLAYFORD.

Telegram from The Honorable Duncan Gillies, M.P., Victoria, to The Colonial
Secretary, New South Wales.

Melbourne, 16 May, 1888.

HAVE just heard from Premier, Adelaide, that he has telegraphed to you respecting Chinese question and Conference on same. I generally agree with the view expressed, and think Conference should assemble at much earlier date than first suggested by him.

D. GILLIES.

Telegram from The Honorable P. O. Fysh, M.L.C., Tasmania, to The Colonial
Secretary, New South Wales.

Hobart, 16 May, 1888.

CHINESE conference this Government will send two representatives, as suggested by you, to meet at a time agreeable to all concerned, but in view thereof respectfully suggest that legislation be deferred upon any subject which may possibly be affected by joint deliberations in Conference.

P. O. FYSH.

Telegram from The Colonial Secretary, Queensland, to The Colonial Secretary, New
South Wales.

Brisbane, 17 May, 1888.

CONSIDERING the great importance of unity in any action that may be taken respecting the Chinese question, which is assuming daily greater importance, I venture to express a hope that you will not introduce any legislation until proposed Conference has met.

S. W. GRIFFITHS.

Circular Telegram from The Colonial Secretary, New South Wales, to Victoria, South
Australia, Queensland, Tasmania, New Zealand, and Western Australia.

Sydney, 17 May, 1888.

THIS Government will concur in any arrangement which may be agreed upon by Premiers of South Australia and Victoria for Conference on Chinese question, with view to united representation to Imperial Government, but it would be extremely inconvenient for two Ministers to leave Sydney at present time.

HENRY PARKES.

Telegram

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 18 May, 1888.

WE regret that we cannot see our way to accepting the limitation on the objects of the Chinese Conference which you desire to impose, but we shall be glad to carry out the original arrangement.

T. PLAYFORD.

Telegram from The Colonial Secretary, New South Wales, to The Honorable Thos. Playford, M.P., South Australia.

Sydney, 18 May, 1888.

I HARDLY understand your term "original arrangement," in reference to the projected Conference. I was not aware that any arrangement had been arrived at. The position of this Government may be simply stated. Many months ago (on the 4th of November last) we invited the other Colonies to join in a common course of action on the Chinese question, but with no satisfactory result. When you proposed a Conference we at once gave our consent; though when, at a later date, you intimated that it should meet in the third week in June we expressed a fear that it would be of little use at so remote a date. We have now offered to concur in any arrangement for the Conference which you and Victoria may agree upon. Though we consider a joint representation to the Imperial Government the important thing, we never desired to impose any "limitation." In view of all that has been done, this Government will either join in the projected Conference or stand aside from it, just as you please.

HENRY PARKES.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 19 May, 1888.

Re Chinese Conference, we feel sure that a reference to the communications which have passed between us during the last ten days will remove all possibility of difficulty in understanding our reference to the original arrangement. We particularly invite your attention to our telegram of the 9th instant, and your reply of the same date concurring in the suggested Conference, and expressing your willingness to act with the other Australian Governments on the Chinese difficulty. A comparison of this reply with your telegram of the 17th instant, specifying the object of the Conference as the making of united representations to the Imperial Government, exhibits the force of our objections to the limitation of the original arrangement which is necessarily inferred on the terms of the latter telegram, considered in connection with your action in pushing on decisive legislation on a subject properly coming within the scope of the Conference. We would respectfully remind you that the 19th June was simply suggested as the date for holding the Conference, and was liable to alteration if desired; and it appears as if you had decided on the introduction of your Chinese Bill after the arrangement for the Conference, and before receipt of our suggestion as to date. We assure you most cordially that nothing would give greater pleasure not only to ourselves but also we believe to all Australia than that New South Wales should join in the proposed Conference; and we sincerely trust that she will be able to see her way to do this on the same footing as the rest of the Colonies. We transmit herewith copy of telegram just received from New Zealand, which you will note recognises the desirability of each Colony postponing decisive legislation pending the consideration of the whole question by the Conference, and paves the way for an early meeting:—"T. Playford, Wellington, 19th May,—Chinese we are anxious Conference should meet as early as possible, either Melbourne or Sydney, as we desire to legislate before the rising of present Session of Parliament.—H. A. ATKINSON."

T. PLAYFORD.

Telegram from The Colonial Secretary, New South Wales, to The Honorable Thos. Playford, M.P., South Australia.

Sydney, 20 May, 1888.

As we have repeatedly said, this Government is prepared to join in conference on Chinese difficulty, but we cannot consent to discuss the matter with persons not responsible as members of the Executive Council. This is said because I notice that New Zealand has proposed such representatives. Looking to the circumstances of the past, the different degrees in which the question affects different colonies, and to the fact that several of the Australian Parliaments are not in session, we do not feel justified in delaying legislation here.

HENRY PARKES.

Telegram from J. Henniker Heaton, Esq., M.P., London, to The Colonial Secretary, New South Wales.

London, 19 May, 1888.

REUTER publishing here unfair Sydney telegrams Chinese.

HEATON.

Telegram from The Colonial Secretary, New South Wales, to J. Henniker Heaton, Esq., M.P., London.

Sydney, 20 May, 1888.

TRUE state Chinese. Bill in Assembly passed in one sitting. No division second reading. Council declined suspend Standing Orders, but Bill sure to pass into law. Meantime, writs of *habeas corpus* made absolute by Supreme Court in favour fifty Chinese allowed to take effect. These fifty landed by Police 3 o'clock morning to avoid riot. Although some opposition (as in all such cases) nine-tenths of population in support of Government whose attitude is unchanged. Chinese will be sent back. Monster meetings announced for next week. One open-air meeting to-day (Sunday).

HENRY PARKES.

Telegram

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 23 May, 1888.

HIS Excellency the Governor has just received the following telegram from the Secretary of State for the Colonies:—"London, twenty-second of May,—Referring to your telegram of the 10th of May, there can be no doubt that Her Majesty's Government would obtain assistance from the Australian Colonies making a joint representation dealing with Chinese immigration question. If Conference meets Her Majesty's Government will be happy to telegraph, for consideration, the points for discussion which are important.—(Signed) KNUTSFORD." We are disposed to consider that an indication from the Imperial authorities of any points on which they specially desire an expression of the views of the Conference might be of considerable utility.

T. PLAYFORD.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 25 May, 1888.

Re Chinese Conference, we have just heard from New Zealand desiring an early meeting, and expressing their willingness to send representatives at once. They, however, find it impossible to be represented by Ministers during session. We do not therefore propose to require that all members of Conference should be members of Executive. We shall be glad to hear if some time during the week after next would be agreeable to you for the meeting of Conference. We presume that in view of the early date now suggested, and of the other reasons to which we have invited your attention, you will not object to postpone the legislation now before your Parliament affecting the questions to be considered by Conference. Awaiting your early reply.

T. PLAYFORD.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 28 May, 1888.

Re Chinese Conference, we are anxiously awaiting reply to our wire of last Friday. We have just heard from Western Australia that the earliest date on which her representative could reach Sydney would be 12th June, and that to enable this to be done it would be necessary for us to communicate with her to-day.

T. PLAYFORD.

The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 29 May, 1888.

Re Chinese Conference, we respectfully desire to point out that your delay in answering our wire of last Friday is causing immense inconvenience.

T. PLAYFORD.

Telegram from The Colonial Secretary, New South Wales, to The Honorable Thos. Playford, M.P., South Australia.

Sydney, 29 May, 1888.

As I said in my first reply on the 9th May, this Government is quite prepared to act with the other Colonies in Conference on the Chinese question.

HENRY PARKES.

Telegram from The Honorable Thos. Playford, M.P., South Australia, to The Colonial Secretary, New South Wales.

Adelaide, 29 May, 1888.

Re Chinese Conference, we are in receipt of your telegram, and have now fixed the twelfth June, at Sydney, as the time and place of meeting.

T. PLAYFORD.

1887-8.

LEGISLATIVE ASSEMBLY:
NEW SOUTH WALES.

CONFERENCE ON CHINESE IMMIGRATION.

(COPIES OF TELEGRAMS AND COPY OF DRAFT BILL AGREED UPON FOR UNIFORM LEGISLATION
BY THE AUSTRALIAN PARLIAMENTS.)

Ordered by the Legislative Assembly to be printed, 14 June, 1888.

[Circular.]

Telegram from Secretary of State to Sir W. C. F. Robinson, Governor of South Australia, to be forwarded to the Governors of the other Colonies.

REFERRING to your telegram of 22nd May, inform Conference Her Majesty's Government anxious to meet views of Australian Colonies with regard to limiting Chinese immigration, but measures adopted by New South Wales create obstacles to present negotiations with China. It is, therefore, important to ascertain whether, in substitution for legislation of a similar kind, other arrangements more in accordance with feeling and views of Chinese Government, and at the same time fully effective for the purpose of restricting Chinese immigration, may not be adopted. Having regard to political and commercial interests of Empire, and particularly to commercial interests of Australian Colonies, no avoidable obstacles should be placed in the way of trade which are likely to afford valuable market for products of Australian Colonies. Chinese Government specially objects to legislation for placing Chinese emigrants on different footing to subjects of any other power; and it seems desirable to consider whether laws and regulations equally restricting immigration into Colonies of all foreign labourers, with powers of relaxing regulations in special cases reserved to Governments, may not meet requirements of case. If thus placed on equal footing with other nations, Chinese Government, if it were still thought necessary, to come to an international arrangement, might be willing to accept conditions more or less of a similar kind to conditions laid down in Treaty concluded with United States of America, and limitation of numbers which would be permitted to embark for any of Australian Colonies. In any case it should be clearly understood that, while Her Majesty's Government will be prepared to consider any representations from Conference, they are not at present able to give any assurance that negotiations with Chinese Government can be opened, as it depends on nature of proposals to be made to that Government; but I confidently believe that Conference will endeavour to conciliate susceptibilities of Chinese Government as far as possible.

KNUTSFORD.

Cablegram to Secretary of State.

AT the Australasian Conference, held in Sydney on the 12th, 13th, and 14th inst., at which the Colonies of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia were represented, the question of Chinese Immigration, and your cablegram to the Governor of South Australia in connection therewith, were fully considered.

The Members of the Conference are sensible of the wish of Her Majesty's Government to meet the views of the Colonies, and have specially deliberated upon the possibility of securing legislation which, while effective, should be of a character so far as possible in accordance with the feeling and views of the Chinese Government. They have not overlooked the political and commercial interests of the Empire, nor the commercial interests of the Colonies.

In 1886 the total exports to China from New South Wales, Victoria, South Australia, Queensland, and Tasmania were valued at £16,000, out of a total export trade amounting to £38,700,000. Our imports from China in the same year were valued at £846,000. While the custom of the Colonies, therefore, is very valuable to China, that country offers no present outlet of importance for Australasian trade. There has never been any attempt on the part of any of the Colonies to close their markets to the exports of the Chinese Empire, although most, if not all of them, are now produced in great quantities in the British Empire of India.

The

The suggestion that any restrictions which are to be imposed should be of a general nature, so as to give power to exclude European or American immigrants, has been very carefully deliberated upon, but no scheme for giving effect to it has been found practicable.

As the length of time to be occupied in negotiations between the Imperial Government and the Government of China is uncertain, and as the Colonies in the meantime have reason to dread a large influx from China, the several Governments feel impelled to legislate immediately to protect their citizens against an invasion which is dreaded because of its results, not only upon the labor market but upon the social and moral condition of the people.

At the same time the Conference is most anxious that Her Majesty's Government should enter into communication with the Government of China, with a view to obtaining as soon as possible a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies. By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese immigrants. While believing that the local legislation now proposed will accomplish its object, the Colonies would prefer that the exclusion of the Chinese should be brought about by international agreement of a friendly nature as in the case of the United States.

The Conference further desires that Her Majesty's Government should induce the Governments of the Crown Colonies of Hongkong, Straits Settlements, and Labuan, to at once prohibit the emigration of all Chinese to the Australasian Colonies unless they should belong to the classes above mentioned. The Chinese who may claim to be considered British subjects in those Colonies are very numerous, and the certainty that their migration hither was prevented would give great and general satisfaction.

The resolutions arrived at by the Conference, and which have been embodied in a draft Bill, are as follows:—

- "1. That in the opinion of this Conference the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.
- "2. That this Conference is of opinion that the necessary restriction can best be secured through the diplomatic action of the Imperial Government, and by uniform Australasian legislation.
- "3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.
- "4. That this Conference is of opinion that the desired Australasian legislation should contain the following provisions:—
 - "1. That it shall apply to all Chinese, with specified exceptions.
 - "2. That the restriction should be by limitation of the number of Chinese which any vessel may bring into any Australasian port to one passenger to every 500 tons of the ship's burthen.
 - "3. That the passage of Chinese from one Colony to another without consent of the Colony which they enter be made a misdemeanour."

The first and fourth resolutions were endorsed by all the Colonies except Tasmania, who dissented and Western Australia who did not vote, while the second and third were carried unanimously. As a whole, therefore, they faithfully represent the opinion of the Parliaments and peoples of Australia.

In conclusion, the Conference would call attention to the fact that the treatment of Chinese in the Australasian Colonies has been invariably humane and considerate, and that in spite of the intensity of popular feeling, during the recent sudden influx, good order has been everywhere maintained. In so serious a crisis the Colonial Governments have felt called upon to take strong and decisive action to protect their peoples, but in so doing they have been studious of Imperial interests, of International obligations, and of their reputation as law-abiding communities. They now confidently rely upon the support and assistance of Her Majesty's Government in their endeavour to prevent their country from being overrun by an alien race who are incapable of assimilation in the body politic, strangers to our civilization, out of sympathy with our aspirations, and unfitted for our free institutions, to which their presence in any number would be a source of constant danger.

HENRY PARKES,
President.

51^o VICTORIÆ, 1888.

A BILL

For the Restriction of Chinese Immigration.

WHEREAS at a meeting of representatives of Australasian Preamble. Governments, held at Sydney in the month of June, one thousand eight hundred and eighty-eight, it was amongst other things resolved that it was desirable that uniform Australasian legislation should be adopted for the restriction of Chinese immigration: And whereas the provisions of this Act were approved by such representatives as the basis of such uniform legislation: And whereas it is desirable to legislate on such basis accordingly: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. In the construction of this Act the following words shall Interpretation. have the following meanings:—

“Chinese” shall include every person of Chinese race not exempted from the provisions of this Act.

“Vessel” shall include every ship, boat, or vessel.

“Master” shall include every person, other than a pilot, for the time being in command or charge of any vessel.

2.

*Chinese Immigration Restriction.***Exemptions.**

2. This Act shall not apply—

- (i) To any person duly accredited to any Australasian Colony by any Government, as its representative, or on any special mission.
- (ii) To the crew of any vessel not being discharged therefrom in the Colony, and not landing in the Colony, except in the discharge of duties in connection with such vessel.
- (iii) To any persons, or any class of persons, who shall for the time being be exempted from the provisions hereof.

Power to declare exemptions.

3. It shall be lawful for the Governor in Council from time to time, by proclamation to be published in the *Government Gazette*, to declare that the provisions of this Act shall not apply to any person or any class of persons to be mentioned in such proclamation, either generally or for any time to be fixed by such proclamation, and any such proclamation may be revoked by the Governor in Council by proclamation to be published in the *Government Gazette*.

Master, on arrival, to report Chinese on board.

4. The master of every vessel, upon arrival at any port or place in this Colony from parts beyond the Colony, and having any Chinese on board, shall forthwith, and before making any entry at the Customs, deliver to the Collector or other principal officer of Customs at such port or place a statement specifying to the best of his knowledge and means of information, the number of Chinese on board such vessel, and the places of shipment and destination, and the name, calling, or occupation of each such Chinese. And for any default in the observance of this section such master shall on conviction be liable to a penalty of *one hundred* pounds.

No vessel to bring more than one Chinese passenger for every 500 tons burthen.

5. No vessel shall enter any port or place in the Colony having on board a greater number of Chinese than in the proportion of one Chinese to every five hundred tons of the tonnage of such vessel, such tonnage to be ascertained if the vessel shall be British by her certificate of registry, and if otherwise, or if such certificate shall not be produced, then according to the rules of measurement provided by the "Merchant Shipping Act, 1854." And if any vessel shall enter any port or place in the Colony, having on board any Chinese in excess of such number, the owner, master, or charterer of such vessel shall, on conviction, be liable to a penalty of *five hundred* pounds for each Chinese in excess of such number.

Penalty on entry by land without permit.

6. Any Chinese who shall enter this Colony by land without first obtaining a permit in writing from some person to be appointed by the Governor in Council, shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding *six* calendar months, and in addition or substitution for any such imprisonment shall be liable, pursuant to any warrant or order of the Magistrate or Justices by whom he shall be convicted, to be removed or deported to the Colony from whence he shall have come.

Appropriation of penalties and payments under Act.

7. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue.

Evidence of person being a Chinese.

8. For the purposes of all proceedings under this Act, the Stipendiary or Police Magistrate or the Justices may decide, upon his or their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

Provision against evading Act by transhipping Chinese into other vessels.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to the provisions of this Act.

Chinese Immigration Restriction.

10. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law. Power to make regulations.

11. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorized by the Colonial Treasurer, or of other officers appointed for such purpose, by like authority before any Stipendiary or Police Magistrate or two or more Justices of the Peace, in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Colonial Treasurer, by writing under his hand, to authorize any officer to detain any vessel, the master whereof shall, in the opinion of the said Treasurer, have committed an offence, or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found, or at any port or place to which the said Treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this Act: Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony: Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue, and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto, the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold. Penalties how recovered.

12. No poll-tax shall hereafter be taken or demanded from in respect of any Chinese. Abolition of poll-tax.

13. This Act may be cited for all purposes as the "Chinese Immigration Restriction Act, 1888." Short title.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

INFLUX OF CHINESE.

(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be printed, 30 November, 1887.

Telegram from The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

Melbourne, 3 November, 1887.

Do you propose to legislate on Chinese question this Session; if so, can we come to an understanding on the subject as to proposals?

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P., Victoria.

Sir,

Colonial Secretary's Office, Sydney, 4 November, 1887.

In reference to the question of the settlement of Chinese in Australasia in its whole bearing upon the national development and permanent welfare of these communities, I have the honor to state for your information that in the opinion of this Government it would be a great advantage if all the Colonies could agree upon a measure of restriction, or perhaps, more correctly speaking, of practical prohibition, which should be framed on the same terms, and impose the same conditions. Although in the vast extent of Australian territory questions of climate and of the suitability of the soil for special industries must necessarily raise difficulties in the application of labour to productive capabilities much greater in some parts than in others, still the main subject cannot, I apprehend, be safely put aside by any Australian Government. And it seems to me that it can hardly be considered with satisfactory results, except in view of the better qualities rather than the worst characteristics of the Chinese,—their self-denial, plodding industry, persistency of purpose, and powers of imitation; and these striking individual qualities again in the light of the enormous numbers of the Chinese nation, their 400,000,000 to our less than 4,000,000 of souls.

2. I shall be glad to learn from you what the Government of Victoria may consider called for as an adequate basis of any new measure, with an earnest desire on the part of this Colony to co-operate with the other Colonies in the most effectual remedial legislation.

I have, &c.,

HENRY PARKES.

The Colonial Secretary, New South Wales, to The Colonial Secretary, Queensland.
(Circular also to South Australia, Tasmania, and New Zealand.)

Sir,

Colonial Secretary's Office, Sydney, 8 November, 1887.

I have the honor to invite your consideration to the expediency of new legislation in relation to the Chinese; and I enclose copies of correspondence which has already taken place between this Government and the Government of Victoria on the subject.

2. I do not myself join with those who are ever railing against the degraded character of the Chinese. It is on very different grounds that I consider their settlement in large numbers in the Australasian Colonies open to grave objection. For the soundest of political and social reasons it is inadvisable and fraught with serious evils to allow sharply-defined class distinctions to grow up in these colonies, where the common elements of success—industry, good conduct, and perseverance—should leave the race of emulation open to all alike. I hold it to be a question of policy of the first magnitude to cement society together in Australia by the same principles of faith and jurisprudence, the same influences of language and learning, and the same national habits of daily life.

3. I shall be glad if you will inform me of the views of your Government on the general question, and of the provisions which you consider should be embodied in any new measure of restriction.

I have, &c.,

HENRY PARKES.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Melbourne, 19 November, 1887.

I have the honor to acknowledge the receipt of your letter of the 4th instant, relative to the question of the settlement of Chinese in Australasia, and to state that I quite agree with you in the obvious desirability of uniform action on this most important subject.

It appears, from the state of business in the several Colonial Parliaments that it is scarcely possible to deal with the matter during the Sessions now current. Indeed, in order to concerted action, it seems necessary that the Governments concerned should confer and exchange views as to the best course to adopt.

I hope soon to communicate with you on the subject, and, meanwhile, shall be very glad to learn your views.

Perhaps I may venture to direct your attention (in case it should not have been brought under your notice) to the valuable and most comprehensive report on the subject, by the Canadian Royal Commission, published in 1885.

I have, &c.,
D. GILLIES,
Premier.

The Honorable P. O. Fysh, M.L.C., Tasmania, to The Colonial Secretary,
New South Wales.

Sir,

Premier's Office, Hobart, 25 November, 1887.

I have the honor to reply to your letter of the 8th instant, inviting my consideration to the expediency of new legislation in relation to the Chinese.

The question is one which has not hitherto so seriously affected Tasmania as some of the other Colonies, but the increasing number of Chinese immigrants to this Colony is beginning to attract attention, and has led, during this Session of Parliament, to the passing of a measure which imposes a poll-tax of £10 per head on each male Chinese arriving in the Colony.

With this measure it is anticipated that the Colony will be content for the present, that is in so far as its own immediate interests are concerned, but, in the broader view of our relations with the Australian Colonies, it might be considered desirable to act in concert with them, and so make the question one of general Colonial concern.

It appears to me to be a question that might well be referred to the Federal Council,—in which I hope the day is not far distant when New South Wales will be represented.

With you, I do not join in the outcry against the Chinese on the ground of their degraded character, for whatever their habits and vices may be, they are possibly the more offensive only because they are less cloaked than the evil habits and vices of our own people. Generally, they must be regarded as a law-abiding, industrious, class, whose presence would not only be tolerated but courted, were it not that they are regarded by our labouring classes as undesirable competitors in the struggle for existence.

This latter view is that which will almost certainly be the actuating impulse towards legislation in regard to the Chinese. However selfish it may appear to cry "Our country for our own people," the cry is in accordance with the instincts of nations, and indeed is in accord with the sacred instincts of the family when "kith and kin" are sheltered to the exclusion of strangers. Nations and Colonies must be governed, and certainly where democracy exists will be governed so as to promote the prosperity of their own people, and an undue influx of foreigners who bring no capital but their labour will ever be regarded as prejudicial to the interests of those who have to compete with them in the labour market.

Absolute prohibition of Chinese immigration would perhaps be too extreme a measure for any of the Australian Colonies to adopt, but probably sufficient limitation would be placed upon it by levying a high poll-tax on each new arrival, an annual residence tax on each resident, and by the enforcement of stringent enactments regulating their social habits, sanitary arrangements, &c. In such a way the residence of a limited number of Chinese might contribute both to their advantage and our own.

In conclusion I may repeat my convictions that the question is one for the federal action of the Colonies, and that, unless it is undertaken in such a way, or at any rate in a federal spirit, it is unlikely that this Colony will be prepared to move further at present than has been authorized by the Legislature during the present Session.

I have, &c.,
P. O. FYSH.

Telegram from The Colonial Secretary, New South Wales, to The Honorable
Duncan Gillies, M.P., Victoria.

Sydney, 28 November, 1887.

CAN you give me any reply more definite than by your letter of the 19th to my letter of the 4th instant, respecting new legislation for protecting these Colonies from the influx of Chinese? I was anxious that we should act in concert on this question, but in view of information we have received of the probable arrival of a shipload of Chinese I feel that I cannot delay proceeding in the matter.

Telegram from The Colonial Secretary, New South Wales, to The Colonial
Secretary, Queensland.

(Circular also to South Australia, Tasmania, and New Zealand.)

Sydney, 28 November, 1887.

CAN you give me any reply to my letter of the 8th instant respecting new legislation for protecting these Colonies from the influx of Chinese. I was anxious that we should act in concert on this question, but, in view of information we have received of the probable arrival of a shipload of Chinese, I feel that I cannot delay proceeding in the matter.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

INFLUX OF CHINESE.
(FURTHER CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be printed, 10 April, 1888.

The Honorable Duncan Gillies, M.P., Victoria, to The Colonial Secretary, New South Wales.

Sir,

Premier's Office, Melbourne, 22 March, 1888.

Referring to previous correspondence respecting the immigration of Chinese to Australia, I beg to draw your attention to an aspect of the question which, it appears to me, requires to be borne in mind when considering the nature of the measures to be taken.

With regard to limiting—even to prohibition—the influx of Chinese, I assume that the Australian Governments are in accord; but the question arises whether local legislation by the several Colonies is after all the most satisfactory, or even the most efficient means to be employed.

I desire to submit to your consideration that it is quite possible that the influence of Her Majesty's Government with that of the Emperor of China might effect more, and perhaps in a more convenient manner, than drastic measures adopted here.

It can hardly be supposed that in a nation like China, which numbers its population by hundreds of millions, its Government can really regard with very much concern the question whether or not a few thousands depart for Australia. On the contrary, the interest of that Government would probably be to retain rather than to lose its population.

And if this be so, it must be easily within the power of the Queen's Government—in its multifarious dealings with the Government of China—to find a means and an occasion of stipulating—possibly in exchange for some small concession (such as has been recently sought in Burmah)—that the Emperor should prohibit emigration to Australian ports.

Thus might be accomplished, inoffensively, through the means of diplomacy, all that we desire, while legislative measures of sufficient stringency to effect our purpose might engender an international bitterness which, sooner or later, might find means to express itself. From a merely utilitarian point of view this is to be deprecated.

There are two important points which should not be lost sight of in dealing with this aspect of the matter, namely—the comparative proximity of the Chinese Empire to Australia, and its power to pour down upon our land vast hordes of its people.

If then our object can be equally well accomplished by means of friendly representations through Her Majesty's Government, it would seem in every point of view desirable to take that course. The consideration of this view is the more important from the fact of representations having been made on this subject (in the form of a despatch) by the Chinese Minister, in London, to Lord Salisbury, so lately as December last, copy of which has just been received here.

Indeed, the line of action which I suggest is that which appears, in the last resort, to have been adopted by the United States of America, as a telegram which lately appeared in the newspapers states that:—

“A Treaty has been signed by the Chinese Minister at Washington, Chang Yen Hcon, and Mr. Bayard, the Secretary of State for the United States, by which Chinese labourers are forbidden from entering America.”

If you concur in the view I have put forward, I shall be glad to know in what way you think we should proceed. I would suggest a memorandum through the Governor to the Secretary of State.

I have, &c.,

D. GILLIES,

Premier.

Telegram from The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P., Victoria.

Sydney, 30 March, 1888.

REPLY to your Despatch of 22nd, on subject of Chinese, will be sent to-morrow.

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P.,
Victoria.

Sir,

Colonial Secretary's Office, Sydney, 30 March, 1888.

In reply to your letter of the 22nd instant, on the subject of Chinese immigration, I desire to say that the receipt of the despatch from the Secretary of State, covering copy of the note of the Chinese Minister in London, addressed to Lord Salisbury, and at the same time the knowledge received through the public press of the reported Treaty made between the Government of the United States and the Government of China, suggested to me the precise course which you now submit for my consideration.

There can be no doubt whatever that we have a just ground for appealing to the Imperial Government to take up the great contention of these Australian Colonies against the continued influx of Chinese labourers. If we are part of the Empire, as self-governed Colonies excluded from all participation in the making of Treaties, we have an indisputable right to expect the Imperial Government to consult and protect our separate and peculiar interests in this matter (which does not reach Her Majesty's subjects in Great Britain) by the exercise of the powers of Treaty on our behalf. As you point out, all the inconvenient and possibly exasperating consequences of legislation by different Australian Parliaments would be avoided by the Empire in its highest capacity dealing with the subject.

Entertaining this view of the question at this stage of its development, with which I am very glad to learn that your Government are in accord, I incline to the opinion that it would be best for each Australian Government to act separately in communicating its views to Her Majesty's Imperial Advisers, though it would, of course, be advisable that their action should be as nearly simultaneous as practicable.

I have, &c.,

HENRY PARKES.

Telegram sent by His Excellency the Governor to The Secretary of State.

31 March, 1888.

IN reference to Chinese immigration and the inquiry made by the Marquis of Salisbury, your Excellency's advisers beg briefly to explain that the law of this Colony for some years past has imposed the restrictions of a poll-tax of £10 on each immigrant, and a limitation of one immigrant to every 100 tons of the ship's burden; but owing to recent occurrences severer measures are now demanded throughout all the Colonies. This state of things has given rise to new reflections in dealing with a difficulty which threatens to become a calamity. As these Colonies form an important part of the Empire, it is submitted that our cause of contention is of sufficient national concern to be taken up by the Empire; if we have no voice in the making of Treaties, it seems only just that our interests should be considered and protected by those who exercise that power. We learn by public report that the Government of the United States has entered into a Treaty with the Government of China by which Chinese immigration into America is no longer permitted. We fail to see why Australia may not be similarly protected. We desire, on behalf of this Colony, through your Excellency, to impress upon Her Majesty's Imperial Advisers the more prominent phases of the Chinese question as it specially and almost exclusively affects the Australian section of the British people. (1.) The Australian ports are within easy sail of the ports of China. (2.) The climate as well as certain branches of trade and industry in Australia, such as the cultivation of the soil for domestic purposes, and tin and gold mining, are peculiarly attractive to the Chinese. (3.) The working classes of the British people in all the affinities of race are directly opposed to their Chinese competitors. (4.) There can be no sympathy, and in the future it is to be apprehended that there will be no peace between the two races. (5.) The enormous number of the Chinese population intensifies every consideration of this class of immigration in comparison with the emigration of any other nation. (6.) The most prevailing determination in all the Australian communities is to preserve the British type in the population. (7.) There can be no interchange of ideas of religion or citizenship, nor can there be intermarriage or social communion between the British and Chinese. It is respectfully submitted that the examination of these principal phases of the question can only lead to one conclusion, namely, that the Chinese must be restricted from emigrating to any part of Australasia. It will be seen that, while the question scarcely touches the people of the United Kingdom, it vitally concerns these great Colonies, whose importance in their political and commercial relations entitles them to be protected by the diplomatic influence and the powers of Treaty which belong to the Empire. With renewed expressions of our loyal attachment to Her Majesty, we urge that immediate steps be taken to open such negotiations with the Emperor of China as will result in permanent security to the Australian Colonies from the disturbance of Chinese immigration in any form. The matter is too grave and urgent to admit of long delay. However desirable it may be to avoid the irritation and conflict of interests which may arise from local legislation of a drastic character, if protection cannot be afforded as now sought, the Australian Parliaments must act from the force of public opinion in devising measures to defend the Colonies from consequences which they cannot relax in their efforts to avert.

HENRY PARKES

(For Cabinet).

The Colonial Secretary, New South Wales, to The Chief Secretary, South Australia.

Sir,

Colonial Secretary's Office, Sydney, 3 April, 1888.

In reference to the Chinese difficulty, and the circular letter of the 22nd ult. on the subject from the Government of Victoria, I have the honor to enclose for your information a copy of my reply to Mr. Gillies, and also copy of the cable message of this Government, transmitted to the Secretary of State on the 31st., urging that the contention of these Colonies against the continued influx of Chinese may be taken up as a national question by the Imperial Government.

I hope your Government will concur in the views of Victoria and this Colony, and make a similar representation to Her Majesty's Imperial Government.

I have, &c.,

HENRY PARKES.

[Similar

[Similar letters were addressed on same date to the Colonial Secretary, Queensland ; the Colonial Secretary, New Zealand ; the Colonial Secretary, Western Australia ; and the Honorable P. O. Fysh, M.L.C., Tasmania.]

The Colonial Secretary, New South Wales, to The Honorable Duncan Gillies, M.P.,
Victoria.

Sir,

Colonial Secretary's Office, Sydney, 3 April, 1888.

Referring to my letter of the 30th ultimo, in reply to your circular of the 22nd on the Chinese question, I now beg to enclose copy of the communication of this Government in reply to the Secretary of State's despatch covering the note of the Chinese Minister, which was sent by cable to London on the 31st. 31 March, 1888.

We shall be glad to hear that you have made a similar representation to the Imperial Government.

I have, &c.,

HENRY PARKES.

[3d.]

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE CHINESE.

(ALLEGED INFLUX OF, FROM NEW CALEDONIA.)

Ordered by the Legislative Assembly to be printed, 23 November, 1887.

The Inspector-General of Police to The Principal Under Secretary.

Sir,

Police Department, Inspector-General's Office, Sydney, 17 November, 1887.

I have the honor to enclose herewith, for the information of the Colonial Secretary, copy of a detective police report relative to a large number of Chinamen now in New Caledonia, who, it is presumed, will shortly remove to Sydney.

I have, &c.,

EDMUND FOSBERY,

Inspector-General of Police.

[Enclosure.]

Detective Office, Sydney, 17 November, 1887.

Re Chinamen in New Caledonia.

DETECTIVE ROCHAIX reports that he has been informed by a Mr. Dumins, who was for twenty-seven months assistant to Drs. Trequies, Offret, Caillot, and Hancur, who were within the last three years medical officers for the Nickel Company at New Caledonia, that about 200 Chinamen, now employed by the above Company, will terminate their engagements of three years with the Company on the 31st of December, 1887, and will probably come to Sydney. These Chinamen were engaged by Mr. Higinson, then Director of that Company, who brought them from Singapore about three years ago. It is to these Chinese that the introduction of the fever "dégue" in New Caledonia is attributed.

JULES P. ROCHAIX,

Detective.

To the Inspector-General of Police, Sydney.

1887-8.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE CHINESE.

(INFORMATION RESPECTING POLL-TAX AND NATURALIZATION FOR 1886-7.)

—
Ordered by the Legislative Assembly to be printed, 14 March, 1888.
—

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29th February, 1888, That there be laid upon the Table of this House, a Return showing respectively,—

- “(1.) The number of Chinese who paid the Poll-tax in the year, 1886.
“(2.) The number who exhibited Letters of Naturalization which were admitted as correct in that year.
“(3.) The same information for the year 1887, on both points.”

(*Mr. Thompson.*)

	1886.	1887.
Paid Poll-tax	1,284	1,798
Naturalized	209	172

The Treasury, New South Wales,
6th March, 1888.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE CHINESE.

(PASSENGERS PER STEAMSHIPS "AFGHAN," "TSINAN," "GUTHRIE," AND "MENMUIR.")

Ordered by the Legislative Assembly to be printed, 16 May, 1888.

My dear Sir,

Reform Club, Sydney, 16 May, 1888.

Will you oblige me by obtaining the following information, to enable you to answer a question without notice, which I will put you to-day when the House meets, and before proceeding with the Chinese Bill. I should like to know,—

1. The number of Chinese which have arrived in this port in the steamers "Guthrie," "Menmuir," "Afghan," and "Tsinan," specifying the number in each ship.
2. The number holding *bonâ fide* permits.
3. The number holding permits for which they cannot be identified.
4. The number holding *bonâ fide* letters of naturalisation as British subjects.
5. Those who possess letters of naturalisation improperly.
6. The number in the case of each ship, excluding crews, letters of naturalization and permits in excess, if any, of the tonnage allowance. Also I should be glad to have a perfect copy, duly stamped of the form of permit issued from the port.

I need not say that I require this information, not for reasons other than to enable the House fully to comprehend the Chinese question which, I admit, is a complicated one.

Yours, &c.,

GEORGE R. DIBBS.

The Hon. Sir Henry Parkes, G.C.M.G., Colonial Secretary.

NUMBER of Chinese passengers in the

"Afghan"	165
"Tsinan"	148
"Guthrie"	163
"Menmuir"	55

Number holding *bonâ fide* permits :—

"Afghan"	42
"Tsinan"	13
"Guthrie"	Not yet ascertained.
"Menmuir"	do

Number holding permits for which they cannot be identified :—

"Afghan"	27
"Tsinan"	8
"Guthrie"	Not yet ascertained.
"Menmuir"	do

Number holding letters of naturalization certificates as British subjects :—

"Afghan"	5
"Tsinan"	5
"Guthrie"	Not yet ascertained.
"Menmuir"	do

Number possessing letters of naturalization improperly :—

"Afghan"	None.
"Tsinan"	2
"Guthrie"	Not yet ascertained.
"Menmuir"	do

Number of Chinese in the case of each ship (excluding crew, letters of naturalization and permits) in excess of tonnage:—

" Afghan " ...	...	...	...	...	...	...	27 for Sydney.
" Tsinan " ...	...	...	...	...	...	...	15 do
" Guthrie " ...	...	...	...	...	...	...	Not yet ascertained.
" Menmuir " ...	...	...	...	...	...	...	do

No. 3,248.

Date— 188 .

Name—

Age—

Height— feet inches.

Occupation—

Remarks (how long resident in the Colony, by what vessel leaving it, &c.)—

Period given—9 months.

English—

No. 3,248.

NEW SOUTH WALES.

The day of 188 .

WHEREAS

a resident in the Colony of New South Wales, being a Chinese, has proved to the satisfaction of the Colonial Treasurer that he was, on the 6th day of December, 1881, a *bonâ-fide* resident of this Colony, and that he desires to be absent therefrom for a temporary purpose only: These are therefore to certify that the said Chinese is exempt from the provisions of "*The Influx of Chinese Restriction Act of 1881*," for a period of nine months from this date.

[Seal]

JAMES POWELL,
Collector of Customs.

MEMO.—Unless the Chinese producing this Certificate on the return voyage answers fully the description recorded at the time of issue, the full tax of Ten Pounds must be paid by the Master of the Vessel bringing such person to the Colony.

No. 3,247.

Date— 188 .

Name—

Age—

Height— feet inches.

Occupation—

Remarks (how long resident in the Colony, by what vessel leaving it, &c.)—

Period given—9 months.

English—

No. 3,247.

NEW SOUTH WALES.

The day of 188 .

WHEREAS

a resident in the Colony of New South Wales, being a Chinese, has proved to the satisfaction of the Colonial Treasurer that he was, on the 6th day of December, 1881, a *bonâ-fide* resident of this Colony, and that he desires to be absent therefrom for a temporary purpose only: These are therefore to certify that the said Chinese is exempt from the provisions of "*The Influx of Chinese Restriction Act of 1881*," for the period of nine months from this date.

[Seal]

JAMES POWELL,
Collector of Customs.

MEMO.—Unless the Chinese producing this Certificate on the return voyage answers fully the description recorded at the time of issue, the full tax of Ten Pounds must be paid by the Master of the Vessel bringing such person to the Colony.

[3d.]

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INFLUX OF CHINESE RESTRICTION ACT.

(REMISSION OF PORTION OF FINE IMPOSED UPON MASTER OF SHIP "CHELYDRA," AND REFUND TO AGENTS OF POLL-TAX ON TEN CHINESE.)

Ordered by the Legislative Assembly to be printed, 21 June, 1888.

No. 1.

Minute Paper for the Executive Council.*Subject*:—Influx of Chinese Restriction Act.—Remission of a portion of the fine imposed upon the master of the ship "Chelydra," and refund to the agents of the Poll-tax on ten Chinese.

The Treasury, New South Wales, Sydney, 23 June, 1887.

THE Colonial Treasurer submits, for the consideration of His Excellency the Governor and the Executive Council, the remission of a sum of £900 of the penalty of £1,000 imposed upon the master of the ship "Chelydra," under section 3 of the "Influx of Chinese Restriction Act," for illegally landing ten Chinese in excess of the number allowed by the tonnage clause.

In view of the fact that satisfactory evidence has been produced that the said ten Chinese were subsequently shipped beyond the limits of the Colony, and that the infringement of the law arose through inadvertence and ignorance on the part of a clerk of the agents of the ship, and that on being made acquainted with the position of matters, they did all they could to assist the Collector of Customs in vindicating the law, he recommends that £900 (nine hundred pounds) of the fine be remitted, and that the poll-tax of £10 each received from the agents be refunded.

J. F. BURNS.

The Executive Council advise, under the circumstances herein set forth, that authority be granted for the remission of £900 of the fine imposed upon the master of the ship referred to, for a breach of the Act specified. 2. The Council also advise that the Poll-tax received from the agents be refunded.—ALEX. C. BUDGE, Clerk of the Council.

Approved.—CARRINGTON, 28/6/87. Min. 87-39, 28/6/87. Confirmed, 5/7/87.

No. 2.

Memo. from The Collector of Customs to The Under Secretary for Finance and Trade.

Custom House, Sydney, 18 June, 1887.

THE master of the "Chelydra" was fined under section 3 of the "Influx of Chinese Restriction Act," for illegally landing ten Chinese in excess of the number allowed by the tonnage clause.

The captain produced an order from his agents (Messrs. Burns, Philp, & Co.) directing him to land the Chinese.

Messrs. Burns, Philp, & Co., by their managing clerk, accept the responsibility of their Act.

Mr. Waley, the clerk in question, believed that the law would allow of the Chinese landing in Sydney on payment of the poll-tax.

I felt it necessary to prosecute, and I have in my possession Messrs. Burns, Philp, & Co.'s cheque for the penalty inflicted, viz., £1,000.

I have also a deposit of £100, being the poll-tax payable for the ten Chinese illegally landed.

I quite believe that the action of Mr. Waley, on behalf of his employers, was the result of a misunderstanding. It is, however, in my opinion, necessary to administer the "Influx of Chinese Restriction Act" rigidly.

This is the first occasion since the passing of the Act (6th December, 1881) that I have found it requisite to sue for penalties.

I beg to recommend for the favourable consideration of the Honorable the Colonial Treasurer—the Chinese having left the Colony—that the petition signed by Mr. Waley, praying for relief, be entertained.

I venture to suggest that, under all the circumstances, the poll-tax paid on the Chinese be remitted, and that the penalty of one thousand pounds be reduced by nine hundred pounds.

JAMES POWELL,
Collector of Customs.

No. 3.

Mr. F. Waley to The Colonial Treasurer.

10, Bridge-street.

Sir,

I have the honor to report having paid, on behalf of Burns, Philp, & Co. (Limited), to Mr. James Powell, Collector of Customs, the sum of £1,000 sterling, being the amount of a fine imposed upon Captain Peace, of the steamship "Chelydra" (for which vessel we are acting as agents), for having landed ten more Chinese passengers than by law he was allowed to do; and I venture to lay before you the whole of the facts in the hope that with your advice and consent the Executive Council may see fit to remit this penalty, or to deal with the offence in a lenient way, the penalty inflicted being the full amount prescribed by law.

I may say that I have charge of the over-sea and foreign shipping of Burns, Philp & Co. (Limited), and among other lines have control of the Gibbs' line of steamers, trading between China and Australia, of which line the steamer "Chelydra" was a part.

She is a vessel of 1,574 tons net register, and arrived at Sydney on 25th May with a large number of exempt and naturalised Chinese for all ports, including 12 for Adelaide. She transhipped her Melbourne cargo and passengers here, as well as passengers for Launceston, New Zealand, &c., and loaded coals for Shanghai. When the time came to tranship the Adelaide passengers it was found that although the men were not free of poll-tax there, they were not prepared to pay it, nor could they find friends there to do so for them with the exception of two men who paid us £20, and went to Adelaide per "Koonowarra." The fact of poll-tax not having been provided for arose through an error in China, where it was believed that as there was no poll-tax in the Northern Territory of South Australia, Adelaide came under the same law.

On finding the men could not pay the tax, we declined to tranship them, and threatened to send them back to China unless the tax were forthcoming, which it was intended to do, and the men were kept on board.

On the afternoon of Monday, 6th instant, Mr. See On, of the firm of On Chong & Co., a highly respectable firm of Chinese merchants, offered to pay £6 a head towards the poll-tax, if we would bear the other £4 per head, and added that the men would be willing to stay in Sydney, which would save us the expense of sending them on to Adelaide.

Our loss per man would thus be only £2 10s. per head, as the steerage fare to Adelaide, which we should have saved, was £1 10s. per head; and as it would have cost £4 each to feed them on the way back to China, we agreed to Mr. See On's proposal. The same afternoon I saw See On, who sent us his cheque for the £60, and I came back to the office, and signed a note instructing the captain of the steamer to allow the ten Adelaide passengers to come ashore. I sent a clerk down to the tug office, and sent off a steam-tug with instructions to bring the men ashore and land them on the A.S.N. Co.'s wharf.

As the steamer was to have left the next day (yesterday), and would have done so but for this trouble, we got the men ashore at once, our note to the captain reading thus:—

Dear Sir,—We have arranged to allow the ten passengers for Adelaide to land here on payment of £6 per head, which will be paid to us by Messrs. On Chong & Co. You may therefore allow them to go ashore in the launch with the bearer. The remaining two Adelaide passengers go on to Adelaide, the full amount of their poll-tax having been paid to us.

Yours, &c.,
BURNS, PHILP, & CO. (Limited.)

In pursuance with these instructions, Captain Peace placed the ten men and their baggage in the launch, and they were duly landed on the A.S.N. Co.'s wharf.

It was not till the next day that I was aware that any breach of the law had been committed. I was aware that we should have to pay £10 a head poll-tax, as already explained, but was quite in ignorance as to the serious breach of the Act which had been committed through my instructions to the captain.

As soon as I did find out what trouble we were in, I saw Mr. James Powell, Collector of Customs, and after explaining the foregoing circumstances to him, I asked his advice. Mr. Powell said that the law distinctly compelled him to prosecute, and I then stated that I would personally, and on behalf of my firm and the captain, give him every possible assistance, and assured him, as I now have the honor to assure you, that I acted in perfect good faith, openly and honorably, without any intention to break the law, but in unfortunate ignorance of it; and although I am aware this is no excuse, still, I hope it may plead as an extenuating circumstance.

The prosecution came off; the captain, by our instructions, pleaded guilty, and we were neither defended nor represented by counsel, as we were only wishful to rely on the clemency of the Executive, not having any defence to make.

I now have the honor to solicit through you that clemency which I hope you will be good enough to use your great influence with the Executive to see extended to me.

I am a young man, not very long in the Colony, and not thoroughly up in the law relating to the immigration of Chinese.

My mistake has caused my firm a very serious pecuniary loss, for which I am entirely to blame.

My firm is well known as a house incapable of any attempt at deceit or fraud, and I venture to assert that my dealings as representing them have been in every case of a similar description.

When I found out a breach of the law had been committed I did all in my power to help the Collector of Customs to a just decision, and to a speedy and satisfactory verdict and settlement, and neither concealed nor extenuated anything.

On all of which grounds I again venture to express the hope that the law having been vindicated you may be able to see your way to advise the Executive to remit the fine.

I have, &c.,

FREDK. WALEY.

I may add that the ten men landed can be found at any moment, being in the store of On Chong & Co. They have this day (9th June) been identified to the satisfaction of the Custom House officials and Mr. James Powell, and they will be reshipped to Adelaide on Tuesday next by Messrs. Howard Smith & Sons steamer. As this will bring the number added to the Chinese population to that allowed by law for the steamer, I venture to hope that this will be looked upon by you as another strong reason for not enforcing the fine imposed for landing these ten men.

No. 4.
Mr. F. Waley to The Collector of Customs.
Chinese ex "Chelydra."

Sir,

Sydney, 17 June, 1887.

I have the honor to enclose,—

1. Declaration of identity of ten Chinese for Adelaide, landed ex "Chelydra," and boarding at the house of On Chong & Co., sworn to by Ah Too, interpreter, before Mr. See On and myself; and
2. Mr. See On's declaration that the men are the same men who came to his house ex "Chelydra."
3. Declaration by Inspector M'Monnies as to identity of the men; and, lastly,
4. The same Inspector's certificate that these ten men were duly forwarded to Adelaide by the steamship "Gambier" on the 14th instant.

I therefore, on behalf of Messrs. Burns, Philp, & Co., beg to apply for a refund of poll-tax deposited by us, as the men have been transhipped in regular course, and poll-tax will be paid in Adelaide, and has already been paid by us to the owners of the on-carrying steamer (Messrs. Howard Smith & Sons).

The ten men having been exported, and the law strictly complied with, I venture to hope that you will use your influence to help us to obtain remission of the fine imposed on us, as no more men have now been landed than the law permits. And we can assure you that no breach of any of the regulations shall occur in future.

We shall in any case be the losers of £100, as we have had to pay the Adelaide poll-tax, and have returned to On Chong & Co. the £60 paid by them towards this sum, as the men have been reshipped.

I have, &c.,

FREDK. WALEY.

[Enclosures.]

(No. 1.)

I, AH TO, do hereby affirm as follows:—I have seen in the house of On Chong & Co. the following Chinese passengers per s.s. "Chelydra," booked for Adelaide, and have identified each man. Their names are:—

	No. of Ticket.		No. of Ticket.
Ng Lai Yen	8	Ng Nam Sing	9
Ng Moon	4	Ng Wing Sow	12
Cho Yung Kan	70	Ng Shing	3
Ng Shui Chong	10	Chin Young Hing	69
Ho Pak Chun	71	Ng Toze Yee	11

Signed by AH TO, in the presence of FREDERICK WALEY and of SEE ON.



Sydney, 8th June, 1887.

(No. 2.)

I, SEE ON, of the firm of On Chong & Co., hereby state that ten men, said to be passengers by the steamer "Chelydra," are still in my place, and have their tickets. The men are the same men as came to my house on Monday.

SEE ON.

(No. 3.)

THIS is to certify that ten (10) Chinese arrived here by the s.s. "Chelydra," from Hong Kong, on the 25th May, 1887, and sailed by the s.s. "Gambier" for Adelaide, June 14th, 1887.

Custom House, Sydney, 15 June.

D. M'MONNIES,
Customs Officer under Chinese Restriction Act.

(No. 4.)

Sir,

Tide Surveyor's Office, 9 June, 1887.

The ten Chinese staying at On Chong & Co.'s store, to the best of my belief, are the ones landed from the s.s. "Chelydra" on night of the 6th inst., for two reasons:—

1st. I examined them separately, and found that they agreed with the description given on their passage tickets. I also asked them a few questions about the ship and voyage, which they all answered to my satisfaction.

2nd. To me they had every appearance of new arrivals by their colour, dress, and not being able to speak a little English.

I have, &c.,

DAVID M'MONNIES,
Chinese Inspector.

James Powell, Esq., Collector of Customs.

1887-8.

NEW SOUTH WALES.

CHINESE IMMIGRATION.

(DESPATCH RESPECTING TREATY CONCLUDED BETWEEN THE GOVERNMENTS OF CHINA AND THE UNITED STATES, ON THE SUBJECT OF.)

Presented to Parliament by Command.

The Principal Secretary of State for the Colonies to His Excellency the Governor.

New South Wales, No. 50.

My Lord,

Downing-street, 10 May, 1888.

I have the honor to transmit to you, for communication to your Government, the accompanying extract, which has been reprinted from the *New York Tribune* of the 28th March last, purporting to give the text of the recent treaty concluded between the Government of China and that of the United States on the subject of Chinese immigration, together with explanatory letters from the President of the United States and Mr. Bayard.

In view of the occasional references to this treaty in official and in Press telegrams from Australia, I think it right to lose no time in forwarding to you (in the absence of the authentic text) the newspaper account of its provisions, to which, of course, no official character will be attached.

I have, &c.,

KNUTSFORD.

Col. Sec. C., 14/6/88.

[Enclosure.]

EXTRACT from the *New York Tribune* of 28th March, 1888.

A New Treaty with China.

Full text of Mr. Bayard's recent Diplomatic effort.

Restriction which does not restrict—Property qualification clause and damages to be paid—Mr. Bayard's explanatory letter.

[By telegraph to the *Tribune*.]

Washington, 27 March.

THE new Chinese treaty recently concluded in this city by Secretary Bayard and Chang Yen Hoon, the Chinese Minister, together with the letter of the President transmitting the treaty, and an explanatory letter of Secretary Bayard to the Senate, is herewith given in full. The injunction of secrecy has not yet been removed from the treaty by the Senate, but that may be done at some future time. The Senate never hurries undignifiedly in such matters. The full text of the treaty is as follows:—

Whereas, on the 17th day of November, A.D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to, and their residence in, the United States.

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States.

And whereas the Government of the United States and the Government of China desire to cooperate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries.

Now, therefore, the President of the United States has appointed Thomas F. Bayard, Secretary of State of the United States as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Chang Yen Hoon, Minister of the third rank of the Imperial Court, Civil President of the Board of Imperial Cavalry, and Envoy extraordinary and Minister Plenipotentiary, as his plenipotentiary, and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles:—

Article I. The high contracting parties agree that for a period of 20 years, beginning with date of the exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese labourers to the United States shall be absolutely prohibited.

Wherein right of Return is granted.

Article II. The preceding Article shall not apply to the return to the United States of any Chinese labourer who has a lawful wife, child, or parents in the United States, or property therein to the value of 1,000 dols., or debts of like amount due him and pending settlement. Nevertheless, every such Chinese labourer shall, before leaving the United States deposit, as a condition of his return, with the Collector of Customs of the district from which he departs, a full description in writing of his family, or property, or debts as aforesaid, and shall be furnished by said Collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of this treaty; and should the written description aforesaid prove to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

And such right of return to the United States shall be exercised within one year from the date of leaving the United States, but such right of return to the United States may be extended for an additional period, not to exceed one year. In cases where, by reason of sickness or other cause of disability beyond his control, such Chinese labourer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese Consul at the port of departure, and by him certified to the satisfaction of the Collector of the port at which such Chinese subject shall land in the United States.

Exemption of certain Chinese subjects.

Article III. The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travellers, for curiosity or pleasure, but not labourers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government, or the Government where they last resided, vided by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese labourers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

Article IV. In pursuance of Article III of the immigration treaty between the United States and China, signed at Pekin on the 17th day of November, 1880, it is hereby understood and agreed that Chinese labourers, or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their person and property all rights that are given by the laws of the United States to citizens of the most favoured nation, excepting the right to become naturalized citizens—and the Government of the United States reaffirms its obligation, as stated in the said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

Indemnity for injuries to Chinamen.

Article V. Whereas, Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries in their persons and property at the hands of wicked and lawless men, which unexpected events the Chinese Government regrets, and for which it has claimed an indemnity, the legal obligation of which the Government of the United States denies; and whereas the Government of the United States humanely considering these injuries, and bearing in mind the [? friendship subsisting between] the Government of the United States and China, which the high contracting parties wish to cement, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected; therefore, the United States, without reference to the question of liability (which, as a legal obligation, it denies), agrees to pay, on or before the 1st day of March, 1889, the sum of two hundred and seventy-six thousand six hundred and nineteen dollars and seventy-five cents (276,619 dollars 75 cents) to the Chinese Minister at this Capitol, who shall accept the same, on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

Article VI. This Convention shall remain in force for a period of twenty years, beginning with the date of the exchange of the ratifications; and if, six months before the expiration of the said period of twenty years, neither Government shall formally have given notice of its termination to the other, it shall remain in full force for another like period of twenty years.

A short letter from the President.

The following letter of the President accompanies the treaty.

To the Senate,

I have the honor to transmit herewith, and recommend for your constitutional approval, a convention signed and concluded in this city, on the 12th instant, under my direction, between the United States and China for the exclusion hereafter of Chinese labourers from coming into this country. This treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States.

In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of the treaty should be made public, and I respectfully recommend that an order to that effect be made by your honorable body.

GROVER CLEVELAND.

Executive Mansion, Washington, 16th March, 1888.

Secretary

Secretary Bayard's explanation.

The following is Secretary Bayard's explanation of the features of the treaty :—

To the President :—

I have now the honor to transmit herewith, with a view of its being communicated to the Senate for its advice and consent, a convention providing for the absolute prohibition of the coming of Chinese labourers into the United States, which was concluded in this city on the 12th instant by me, under your instructions and authority, and by the Chinese Minister at this Capitol under the Imperial authority of China.

Shortly after the advent of your Administration it was considered advisable, in view of the manifest popular discontent in the States bordering upon the Pacific growing out of the presence there of Chinese labourers and their obvious lack of assimilation with the sympathies, habits, and interests of our own citizens, and the demonstrated inefficiency of the statutes intended to restrict their coming among us, that an effort should be made to procure the desired relief by obtaining the consent and co-operative action of China by means of an amended treaty, and thus avoid the necessity of a resort to special legislation, which without the co-operative assistance of the Chinese Government would be less effectual, and might also be open to exception as being in conflict with or in derogation of the stipulations of existing conventions, and possibly as impairing our good understanding with a friendly Power.

The temporary absence from the United States in 1885, and the subsequent illness of the then Chinese Minister, unavoidably delayed negotiations, but upon the arrival of his successor, the present Minister, Chang Yon Hoon, propositions were speedily submitted to him for a convention absolutely prohibiting the immigration of Chinese labourers, and, after some further delay arising from a visit made by him to Europe last summer, the treaty herewith transmitted has been concluded.

The purpose and object of the Treaty.

By this arrangement we have secured the co-operation of China in the main purpose and object of the treaty, which is plainly stated in the first article of the convention to be the absolute prohibition of Chinese labourers from coming into the United States for twenty years, and its renewal thereafter for a similar period unless notice shall have been given as provided in Article VI.

This precludes the return of any Chinese labourers who are not now in this country, and forbids the coming into the United States of Chinese labourers from any quarter whatsoever. From this inhibition are accepted any Chinese labourer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars (\$1,000), or debts of like amount due him and pending settlement. Considerations of humanity and justice require these exceptions to be made, for no law should overlook the ties of family, and the wages of labour are entitled to just protection. Judging also by the statistics of the class in question and from general experience, such excepted cases will be practically few in number, infrequent and easily capable of such regulations as will prevent abuse.

The regulation and control of the issue of such certificates of return will be wholly in the hands of United States officials, and power to prescribe other laws at discretion may be exercised by the United States. Such right to return is for a limited period, and the certificates are invalidated by the perpetration of fraud in connection with their procurement or use, and the United States are free to adopt such measures as may become advisable to check or punish any abuse.

Fraudulent entries under the old system.

In the course of late litigation in the United States Courts in California, arising out of the contested claims of certain Chinese labourers to return to the United States under the certificates now provided by law, it has been pertinently suggested by the learned judges before whom the cases were tried that the detailed information contained in the certificates themselves, as now issued to the Chinese, furnishes the means of fraudulent entry of Chinese labourers to whom such certificates have been fraudulently transferred, and who are not entitled to come to the United States; and it has been pointed out that if all the facts requisite for complete identification of the departing Chinamen were retained in the United States official custody, and a paper containing only a simple number and properly marked, signed and countersigned by the officers, were furnished, the means of detecting and preventing fraud in the transfer of the certificate would be given, and the present abuses made almost impossible of recurrence.

Existing treaty privileges of travel and sojourn in the United States to Chinese officials, teachers, students, merchants, and travellers for curiosity and pleasure remain undisturbed as well as the transit right of labourers, strictly to be exercised under United States regulations.

Justifying the Indemnity Clause.

The stipulations of the third article of the treaty of 1880 provided for the extension of the full protection of the person and property of Chinese subjects of all classes that is given by laws of the United States to the most favoured nation, and by the terms of that article, the United States also agreed "to exert all its power to secure such protection" to the persons and property of Chinese subjects in the United States. It cannot justly be alleged that any discrimination has been made against the Chinese by the laws of the United States, nor that they have been denied or obstructed in their access to the avenues of public remedial justice, which are open to all persons alike without distinction of race or nationality. But the fact remains that, for reasons heretofore stated in the message of the President to Congress in relation to the Rock Springs indemnity, there has been a failure of justice in the repression and punishment of crime and lawless violence of which Chinese were the victims, owing to the mingled causes of race prejudice, labour rivalries, their peculiar habits, and segregation from other nationalities.

The ill-treatment to which Chinese labourers have been subjected by our jurisdiction, where they are practically beyond the reach of the protecting arm of the law, has been a subject of just complaint by their Government, as well as mortification and sorrow to our own, and Congress heretofore, in the case of the Rock Springs massacre in Wyoming Territory, in view of all the circumstances, has made voluntary appropriations for the relief of the sufferers and their families.

The

The distribution of Governmental powers under our system forbids the assumption of local police control by the Federal authority except in the cases provided for by the Constitution wherein State and local Governments make application to the Executive for the assistance of the military arm of the Government. The stipulations of our treaty with China do not demand the enactment or enforcement of laws discriminating in favour of the Chinese subjects in the United States, nor does it entitle them to greater or other protection than is accorded to citizens of the most favoured nation. Tried by this test, the Chinese, in all cases of injuries to their persons or property, are equal before the laws of this country to the citizens of any other "most favoured nation," and certainly to our citizens.

Sentimental features of the Convention.

BUT the fact remains that they have suffered grievously in person and property, and whilst the liability of the United States is wholly inadmissible as is recited in Article V of the treaty now submitted, yet it is competent for this Government, in humane consideration of those occurrences so discreditable to the community in which they have taken place, and outside of the punitive powers of the National Government, to make voluntary and generous provisions for those who have been made the innocent victims of lawless violence within our borders, and to that end, following the dictates of humanity, and, it may be added, the example of the Chinese Government in sundry cases where American citizens, who were the subjects of mob violence in China, have been indemnified by that Government, the present treaty provides for the payment of a sum of money to be received as full indemnity for all such losses and injuries sustained by Chinese subjects in the United States, to be received and distributed by the Chinese Minister at this Capitol. This payment will, in a measure, remove the reproach to our civilization caused by the crimes referred to, as well as redress the grievance so seriously complained of by the Chinese representative, and unquestionably will also reflect most beneficially upon the welfare of American residents in China.

I submit herewith a list of the claims from time to time presented to this department through the Chinese Minister, in which the names of the claimants, the amount of the losses, and estimation and details of the injuries inflicted are set forth.

Respectfully submitted,
T. F. BAYARD.

Department of State, Washington, March 16, 1888.

1887-8.

NEW SOUTH WALES.

THE CHINESE.

(DESPATCH RESPECTING.)

Presented to Parliament by Command.

The Secretary of State for the Colonies to The Right Honorable Lord Carrington,
G.C.M.G.

My Lord,

Downing-street, 23 January, 1888.

I have the honor to transmit to you, for communication to your Government, a copy of a letter from the Foreign Office, enclosing copy of a note from the Chinese Minister at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies. F.O., Dec. 21, 1887

I should be glad if your Government would furnish me with a report on the subject of any exceptional legislation affecting Chinese subjects which is in force in the Colony under your Government, showing the objects for which such legislation was adopted, and the measure of success which has attended it.

I have, &c.,

H. T. HOLLAND.

Received 10 March, 1888.

Col. Sec.—C., 16/3/88.

[Enclosure.]

Sir,

Foreign Office, 21 December, 1887.

I am directed by the Marquis of Salisbury to transmit to you a copy of a note from the Chinese Minister at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and requesting that an enquiry may be instituted into the Laws enacted against his countrymen by some of the Colonial Legislatures of Australia and the Dominion of Canada. Lew-ta-jen, Dec. 12, 1887.

I am to request that, in laying this letter before Secretary Sir H. Holland, you will move him to cause Lord Salisbury to be informed what reply should be returned to the Chinese Minister.

I am, &c.,

P. W. CURRIE.

The Under Secretary of State,

Colonial Office.

[Sub-Enclosure.]

My Lord,

Chinese Legation, 12 December, 1887.

The Chinese Commissioners who recently visited the Australian Colonies for the purpose of enquiring into the condition of Chinese subjects residing in these parts of H.B.M. Dominions, report that, in each of the Colonies they visited, a poll-tax of £10 is imposed on Chinese subjects, from which the subjects of other Powers are exempt. I am also informed that at the present moment a Bill, which passed the House of Assembly of Tasmania in September last, is under the consideration of the Legislative Council of that Colony, having for its object the imposition of a similar tax on all Chinese subjects who may hereafter visit the island for the purpose of trade.

In my despatch of 13th July, 1886, I had occasion to draw the attention of your Lordship's predecessor to the invidious position in which Chinese subjects were placed by the operation of a peculiarly offensive Act which had been passed by the Government of British Columbia. Having in that despatch very fully discussed the question of the injustice of making Chinese subjects, who, on the faith of Treaties and international usage had entered the Colony, the objects of discriminative legislation, I need not here revert to the matter, more especially as the Chinese Government is convinced that where Colonial Legislatures have enacted regulations inimical to Chinese, and which were incompatible with Her Majesty's International engagements, the omission of the Crown to exercise its right of veto is not to be taken as showing that the Central Government approved them.

In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other Powers, and it is difficult to understand why it should be otherwise in those Colonies on whom a certain amount of self-government has been conferred. It has never been alleged that Chinese immigrants were unruly. For, not only in Hong-Kong and the Straits Settlements, but also in Australia, the Colonial Governors have repeatedly borne testimony to the orderly conduct of the Chinese population, and to their value in developing the Colonial resources. There does not, therefore, appear to be any sufficient reason for their being deprived of the immunities accorded to them by the Treaties and the Law of Nations, or to their being treated differently from the subjects of other Powers residing in the same parts of H.B.M.'s dominions.

The Imperial Government sees with regret the continued existence of the exceptional and exceptionable laws which some of the Colonial Legislatures of Australia and the Dominion have at different times enacted against Chinese subjects, and hopes that, with a view to the elimination of any part of them which may be found to be at variance with Treaty obligations and international usage, Her Majesty's Government will be pleased to institute an enquiry into their nature, and how far they are compatible with the increasing growth of the friendly relations which now happily exist between the two countries.

I have, &c.,

LEW.

The Marquis of Salisbury, K.G., &c.

[3d.]

607—

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE CHINESE.

PETITION FROM CERTAIN CHINESE RESIDENTS REFERRING TO THE PROVISIONS OF THE TREATY OF PEKIN.)

Received by the Legislative Assembly, 14 June, 1888.

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

The Humble Petition of the undersigned Chinese Merchants resident in Sydney, on behalf of themselves and other Chinese resident in Australasia and New Zealand,—

RESPECTFULLY SHOWETH :—

1. That by article five of the Treaty of Pekin, made on the twenty-fifth day of October, one thousand eight hundred and sixty, between Her Majesty the Queen of Great Britain and Ireland, and His Imperial Majesty the Emperor of China; it was amongst other things provided that the Chinese in choosing to take service in the British Colonies or other parts beyond the seas were to be at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families in British vessels at the open ports of China.

2. Your Petitioners respectfully refer to the rights given by various treaties to British subjects to reside in and own property in China and to travel therein.

3. Upon the faith of the above treaty and upon legislation passed in the various Australasian Colonies, Chinese have come to the Australasian Colonies. Some have married European women there, many are still residents there, while others have left temporarily and have in such cases obtained certificates authorising them to return within a certain time.

4. The Chinese merchants and traders resident in the other Australasian Colonies from time to time require in the ordinary course of their business to visit New South Wales, and your Petitioners respectfully point to the great hardship that would be inflicted upon them, if provision be not made for them visiting accordingly without paying poll-tax on each visit.

5. Your Petitioners respectfully refer to the fact of the general large reduction, during the last few years of the numbers of Chinese resident in Australia (with the exception of Port Darwin under special circumstances), as indicating that the present system and rate of poll-tax are sufficient to prevent any undue influx of Chinese.

6. Your Petitioners respectfully point out that in the proposal to impose a poll-tax so high as the sum of one hundred pounds per head upon any Chinese coming to any one of the Australasian Colonies, such amount is unduly severe and unnecessarily high on the one hand while on the other the very magnitude of the tax would hold out inducements to breaches of the law.

7. Your Petitioners would also respectfully point out the hardship to which Chinese would be liable if provision be not made for the performance of existing engagements with the Chinese in reference to their right to return to the colonies, if so returning within the time specified in their exemption tickets.

8. Your Petitioners also point out the hardship and injury to the Chinese who may have become naturalized British subjects and who now own property in any of the Australasian Colonies if they be not allowed after due examination to return to their homes.

9. Your Petitioners respectfully refer to the proposal to exclude Chinese from mining, it being well known that the Chinese only follow the Europeans, and make a living where Europeans cannot, so that the mining by the Chinese means the saving to the country of a large amount of wealth that would otherwise be lost.

10. Your Petitioners would respectfully suggest that provision might be made for Chinese leaving the Colony and returning thereto, and that by the applicants leaving photographs with their applications for exemption tickets with other particulars, any difficulty as to identification would be overcome.

Your Petitioners, therefore, humbly pray that your Honorable House will take this Petition under favourable consideration.

And your Petitioners will ever pray, &c.

[Here follow 5 signatures.]

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE CHINESE.

(PETITION FROM CERTAIN CHINESE RESIDENTS OF NEW SOUTH WALES IN REFERENCE TO IMMIGRATION LAWS.)

Received by the Legislative Assembly, 16 May, 1888.

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

The humble Petition of the undersigned, Chinese residents in New South Wales,—

RESPECTFULLY SHOWETH :—

That your Petitioners have heard that it is proposed to introduce further legislation dealing with the subject of the immigration of Chinese into New South Wales.

That your Petitioners are aware that a number of Chinese heretofore resident in New South Wales, relying upon the provisions of the present law in force upon this subject, have availed themselves of the Exemption Certificates provided for by the said law for the purpose of visiting China. Some of these have returned, others are on their way back, and others may be still in China.

That your Petitioners are aware that other Chinese, under the provisions of the said law now in force, have also come to this Colony, or are on their way here.

And your Petitioners humbly pray that legislation upon this subject will not ignore the rights conferred by existing law upon those Chinese who have either left the Colony relying upon its provisions, and who are either holders of Exemption Certificates, or have come or are coming to this Colony under the provisions of the said law.

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

[Here follow 19 signatures.]

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHINESE RESTRICTION AND REGULATION BILL.

(MESSAGE No. 50.)

Ordered by the Legislative Assembly to be printed, 16 May, 1888.

CARRINGTON,

Governor.

Message No. 50.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to repeal the "Influx of Chinese Restriction Act of 1881;" to provide for the protection of the Colony from the disturbances and national dangers of Chinese immigration; to provide specially for the regulation of Chinese at present resident within the Colony; and to indemnify the Government for all acts done by Executive or Ministerial authority in relation to Chinese immigrants, or vessels carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight.

Government House,

Sydney, 16th May, 1888.

1887-8.

NEW SOUTH WALES.

VACCINATION.

(REPORT FOR 1887.)

Presented to Parliament by Command.

The Medical Adviser to the Government to The Principal Under Secretary.

Sir,

Sydney, 25 May, 1888.

I have the honor to forward you herewith the Annual Returns of Vaccinations performed during the year 1887 by the Government Vaccinators in New South Wales.

The returns show that 3,045 public vaccinations were performed, as against 1,753 in the year 1886, and 7,055 in 1884.

I append a return showing the number of births during each of the past twenty-seven years, and the number of vaccinations performed at the public cost during corresponding periods. From this return it will be seen that, whereas the number of births for the period amounted to 639,201, only 238,474 were vaccinated by the public vaccinators. From this it is evident that a very large proportion of the population is unprotected from the attacks of small-pox, a circumstance which I cannot regard without feelings of great alarm when I consider the frequency with which that loathsome disease has been brought to this port during the year, and the rapid communication which now exists between Australia and other parts of the world.

I have, &c.

H. N. MACLAURIN, M.D.

RETURN showing the number of Births during the past twenty-seven years, and the number of Vaccinations performed by Government Vaccinators during the same period.

Year.	Births.	Vaccinations.
1861	14,681	2,349
1862	15,434	3,155
1863	15,679	12,970
1864	16,881	10,696
1865	17,283	8,367
1866	16,950	7,606
1867	18,317	6,931
1868	18,485	11,237
1869	19,243	21,507
1870	19,648	7,084
1871	20,143	6,482
1872	20,250	17,565
1873	21,444	3,152
1874	22,178	4,832
1875	22,528	3,111
1876	23,298	4,361
1877	23,851	16,881
1878	25,328	3,512
1879	26,933	5,569
1880	28,162	5,029
1881	28,993	58,962
1882	29,702	2,188
1883	31,281	882
1884	33,946	7,055
1885	35,043	2,193
1886	36,284	1,753
1887	37,236	3,045
Total	639,201	238,474

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[1,083 copies—Approximate Cost of Printing (labour and material) £3 12s 1d.

RETURN

RETURN showing the number of Persons Vaccinated by the Government Vaccinators in the Colony of New South Wales during the year 1887.

District.	Under 1 year of age.				From 1 to 5 years.				From 5 to 10 years.				From 10 years upwards.				Total			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Sydney and Suburbs:—																				
Dr. W. Ewington	104	96	200	200	169	136	295	295	157	79	236	236					430	301	731	731
Dr. W. E. Strong	13	16	29	29	19	23	42	42	8	12	20	20					40	51	91	91
Dr. P. McDonagh					2		2	1	3		3						5		5	4
	117	112	229	229	190	149	339	338	168	91	259	259					475	352	827	826
Albury	45	38	83	83	72	89	161	161	23	18	41	41					140	145	285	285
Armidale	10	10	20	19	75	81	156	154	88	66	154	151					173	157	330	323
Balmain	15	9	24	24	18	25	43	38	18	14	32	31					51	48	99	93
Bathurst	2	1	3	3	6	12	18	18	13	32	45	45					21	45	66	66
Blayney					4	1	5	5	2	4	6	6					6	5	11	11
Broughton Creek		1	1	1	16	13	29	29	16	14	30	30					32	28	60	60
Broken Hill	1	2	3	3	3	2	5	5	1	1	1	1					5	4	9	9
Bombala	3		3	3	10	8	18	17	4	5	9	8					17	13	30	28
Cassilis					7	6	13	10	2	5	7	7					9	11	20	17
Camden					2	2	2	2	7	1	8	8					7	3	10	10
Cobar	1	1	2	2	3	4	7	7	1	3	4	4					5	3	13	13
Carcoar	13	18	31	31	100	68	168	168	115	84	199	199					228	170	398	398
Deniliquin	9	9	18	17	15	17	32	29	5	10	15	14					29	36	65	60
Grafton	1	2	3	3	10	8	18	18	3	5	8	8					14	15	29	29
Gundagai		1	1	1	3	10	13	10	4	7	11	10					7	18	25	20
Jerilderie	1	3	4	4	9	6	15	13	6	4	10	10					16	13	29	27
Lithgow	1	1	2	2	2	1	3	3	4	2	6	6					7	4	11	11
Murrurundi	1	1	2	2	12	21	33	33	38	28	66	66					51	50	101	101
Manly		1	1	1	4	8	12	12	7	1	8	8					11	10	21	21
Rylstone	3	3	6	6	9	9	18	17	4	7	11	11					16	16	32	32
Tumbarumba	7	9	16	16	34	28	62	62	17	26	43	43	5	2	7	7	63	65	128	128
Urana		2	2	2	10	8	18	18	2	3	5	5					12	13	25	25
Walcha	9	7	16	16	47	41	88	88	57	43	100	100					113	91	204	204
Wagga Wagga	8	16	24	24	19	18	37	37	7	6	13	13					34	40	74	74
Wentworth					2	2	2	2	1	1	2	2					3	2	5	5
West Kempsey	2	1	3	3	16	35	51	51	30	25	55	55	3	1	14	14	51	72	123	123
Woolombi					2	6	8	8	6	1	7	7					8	7	15	15
	132	133	265	261	508	527	1,035	1,015	481	415	496	889	8	14	22	22	1,129	1,089	2,218	2,187
Summary:—																				
Sydney and Suburbs	117	112	229	229	190	149	339	338	168	91	259	259					475	352	827	826
Country Districts	132	133	265	261	508	527	1,035	1,015	481	415	496	889	8	14	22	22	1,129	1,089	2,218	2,187
Total	249	245	494	490	698	676	1,374	1,353	649	506	755	1,148	8	14	22	22	1,604	1,441	3,045	3,013

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

TYPHOID FEVER IN SYDNEY AND SUBURBS.
(FROM 1876 TO 1888.)

Ordered by the Legislative Assembly to be printed, 26 June, 1888.

The Secretary to the Board of Health to The Principal Under Secretary.

Sir, Board of Health Office, 127 Macquarie-street, Sydney, 14 June, 1888.
I have the honor, by direction of the Board of Health, to forward you the enclosed paper on the prevalence and mortality of Typhoid Fever in the City of Sydney and Suburbs during last thirteen years, which has been prepared from the records in this Office for the information of the Colonial Secretary.

As this paper is of much public interest the Board would suggest that it be placed upon the tables of both Houses of Parliament.

I have, &c.,
EDMUND SAGER,
Secretary.

[*Enclosure.*]

TYPHOID Fever in the City of Sydney and its Suburbs from 1876 to 1888.

THE accompanying tables, which have been carefully prepared for the information of the Colonial Secretary, disclose certain interesting facts with reference to the prevalence and mortality of typhoid fever in the city of Sydney and suburbs during the last thirteen years.

In table I a statement is given of the number of deaths in each month of the ten years ending 31st December, 1885, together with the ratio calculated per 100,000 of the population, as estimated on the 30th June in each year. From this it will be seen that during the decennial period there was a very large increase in the mortality from this disease, namely, from 46·07 per 100,000 in 1876 to 102·17 in 1885.

Table II gives a similar statement for 1886 and 1887, and for the first five months of 1888, the ratio in the latter being calculated as per 100,000 of the population estimated on 1st January.

From this latter table it will appear that the mortality from typhoid fever has of late undergone considerable and progressive diminution—thus: In 1886 the rate per 100,000 was 90·90; in 1887 it was 58·11; and the ratio for the five months of 1888 is greatly below that for the corresponding period in the two previous years, being only 30·97 as against 38·16 in 1887 and 62·17 in 1886.

The inference from these figures, that typhoid fever has been diminishing in prevalence during the period embraced by table II, is confirmed by the results of table III, which contains a return of the number of cases of typhoid fever admitted to the Metropolitan Hospitals of Sydney, and of the number of deaths which have occurred in these institutions during 1886, 1887, and the first five months of 1888. From this it appears, in 1886, there were 809 cases admitted, with 124 deaths; in 1887 there were 598 cases, with 84 deaths. In the first five months of 1888, which is the heaviest portion of the year for this disease, the number of admissions were 423, with 54 deaths; the corresponding period in 1886 shows 537 admissions, with 85 deaths; and in 1887, 436 admissions, with 64 deaths.

The period under consideration (since 1886) is of course too short to enable us to form an absolute conclusion as to whether the prevalence of the disease is likely to become permanently less; but it is evident that at all events for the present an improvement has taken place, and from the diminution in the death-rate it would appear that the severity of the disease has also somewhat lessened.

The Board would draw the attention of the Colonial Secretary to the very great amount of work which has been done by the Coast Hospital in connection with typhoid fever in this city. Of a total of 1,830, as shown in table III, no fewer than 843 have been treated at Little Bay, and it will be seen that the death rate compares favourably with that of any of the other institutions.

The Board would, lastly, urge upon the Colonial Secretary the very great importance of this matter. Typhoid fever is essentially a preventable disease, and makes its ravages chiefly among the younger and more vigorous members of the community. By well-concerted sanitary measures the prevalence of the disease can be very greatly reduced, and much sickness and death may be spared to the community. But for this purpose the Board is of opinion that a Public Health Act is required.

By order,

EDMUND SAGER,
Secretary to the Board of Health.

Sydney, 13 June, 1888.

*866—

TABLE I.

TABLE I.

Typhoid Fever—1876 to 1885.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1876 to 1885—giving the death rate per 100,000 for each month.

Year	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.
Estimated population on the 30th June of each year	167,141	174,249	182,889	192,829	213,316	227,653	237,908	250,808	267,194	282,846
January ... { No. of deaths .. Rate per 100,000 ..	4 2·39	6 3·44	14 7·65	5 2·59	11 5·15	9 3·95	10 4·20	10 3·99	22 8·23	22 7·78
February..... { No. of deaths	5 2·99	8 4·59	11 6·01	15 7·78	7 3·28	15 6·59	19 7·98	17 6·78	19 7·11	31 10·95
March	16 9·57	12 6·88	19 10·38	16 8·30	5 2·34	14 6·15	13 5·46	10 3·99	33 12·35	34 12·02
April	12 7·18	16 9·18	20 10·93	18 9·33	10 4·68	8 3·51	19 7·98	18 7·18	33 12·35	33 11·66
May..... { No. of deaths ... Rate per 100,000 ...	9 5·38	14 8·03	26 14·21	14 7·26	8 3·75	11 4·83	32 13·45	34 13·55	22 8·23	34 12·02
June	11 6·59	20 11·47	12 6·56	13 6·74	8 3·75	9 3·95	23 9·67	21 8·37	18 6·74	31 10·95
July..... { No. of deaths	3 1·30	6 3·44	18 9·84	9 4·67	6 2·81	2 0·88	17 7·15	11 4·38	8 3·00	20 7·07
August	4 2·39	2 1·15	13 7·10	3 1·56	8 3·75	10 4·39	10 4·20	3 1·19	4 1·50	14 4·95
September.. { No. of deaths	1 0·60	1 0·57	9 4·92	6 3·11	8 3·75	5 2·19	8 3·36	5 2·00	12 4·50	12 4·24
October	3 1·80	4 2·29	7 3·83	2 1·03	4 1·87	7 3·07	9 3·78	10 3·99	10 3·74	17 6·01
November.. { No. of deaths	4 2·39	3 1·72	6 3·28	5 2·59	11 5·15	1 0·44	5 2·10	11 4·38	12 4·50	15 5·30
December... { No. of deaths	5 2·99	11 6·31	11 6·01	9 4·67	7 3·23	4 1·76	10 4·20	16 6·33	21 7·85	26 9·19
TOTAL..... { No. of deaths	77 46·07	103 59·11	166 90·76	115 59·63	93 43·60	95 41·74	175 73·55	166 66·18	214 80·09	289 102·17

TABLE II.

Typhoid Fever—1886 to 1888.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1886 to 1888—giving the death-rate per 100,000 for each month.

Year	1886.	1887.	1888.	Year	1886.	1887.	1888.
Estimated population on the 30th June of each year	323,180	340,702	*348,795	Estimated population on the 30th June of each year	323,180	340,702	*348,795
January ... { No. of deaths	33 10·21	24 7·05	14 4·01	August . { No. of deaths ..	8 2·47	6 1·76	.....
February... { No. of deaths	44 13·61	24 7·05	24 6·87	September { No. of deaths	5 1·54	8 2·35	.....
March	41 12·68	39 11·44	21 6·03	October... { No. of deaths ...	6 1·85	10 2·94	.....
April	41 12·68	17 4·99	28 8·03	November { No. of deaths ...	7 2·16	11 3·23	.....
May	42 12·99	26 7·63	21 6·03	December. { No. of d aths .	25 7·73	14 4·10	.....
June	23 7·11	12 3·52	.....	TOTAL ... { No. of deaths ...	294 90·90	198 58·11	.....
July..... { No. of deaths	19 5·87	7 2·05	.....				.....

* For 1888 the estimated population on the 1st January is taken.

TABLE III.

TABLE III.

Typhoid Fever—1886.

RETURN of Patients suffering from Typhoid Fever admitted to the Metropolitan Hospitals of Sydney during the year 1886, showing the deaths occurring in, and the number of cases admitted to, each Institution during each month.

Months.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	47	6	20	9	16	2	9	4	2	..	94	21
February	59	9	16	2	10	6	8	..	3	..	96	17
March	46	7	31	3	9	2	12	..	5	1	103	14
April	78	10	23	3	13	2	15	2	7	..	136	17
May	61	8	22	3	13	2	7	3	5	..	108	16
June	31	5	19	1	13	1	2	..	1	..	67	7
July	14	5	10	2	2	2	3	..	2	..	31	9
August	1	..	7	2	1	..	2	..	1	..	12	2
September	10	..	9	2	7	2	3	..	1	..	30	4
October	6	2	6	..	7	1	2	..	2	..	23	3
November	13	1	12	1	10	2	11	..	1	..	47	4
December	29	3	22	4	7	1	4	2	..	..	62	10
Total for the year	395	56	197	32	103	24	79	11	30	1	809	124
Death rate on cases admitted	14.18%		16.24%		22.22%		13.92%		3.33%		15.32%	

Typhoid Fever—1887.

RETURN of Patients suffering from Typhoid Fever admitted to the Metropolitan Hospitals of Sydney during the year 1887, showing the deaths occurring in, and the number of cases admitted to, each Institution during each month.

Month.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	50	6	25	1	8	2	8	4	..	..	91	13
February	42	8	22	6	5	1	16	4	2	..	87	19
March	48	6	17	5	18	2	8	4	6	..	97	17
April	54	6	17	1	18	2	8	..	7	..	104	9
May	37	2	9	1	3	2	6	..	2	1	57	6
June	11	..	7	1	3	..	..	..	2	..	23	1
July	6	1	9	1	..	..	..	..	..	..	15	2
August	3	..	8	..	6	1	1	..	..	..	18	1
September	5	1	6	2	4	..	..	..	..	..	15	3
October	11	3	17	2	3	1	6	..	..	..	37	6
November	7	2	9	2	1	1	3	1	..	..	20	6
December	12	1	15	..	3	..	3	..	1	..	34	1
Total for the year	286	36	161	22	72	12	59	13	20	1	598	84
Death rate on cases admitted	12.59%		13.66%		16.66%		22.03%		5.00%		14.04%	

Typhoid Fever—1888.

RETURN of Patients suffering from Typhoid Fever admitted to the Metropolitan Hospitals of Sydney during the first five months of 1888, showing the deaths occurring in, and the number of cases admitted to, each Institution during each month.

Month.	Coast.		Prince Alfred.		Sydney.		St. Vincent's.		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	32	1	21	3	8	4	7	1	..	..	68	9
February	29	1	20	5	16	5	16	2	1	..	82	13
March	44	2	23	2	12	2	12	..	5	..	96	6
April	34	1	21	3	18	6	22	1	4	..	99	11
May	23	1	30	6	11	4	9	3	5	1	78	15
Total for five months	162	6	115	19	65	21	66	7	15	1	423	54
Death rate on cases admitted since 1st January	3.70%		16.52%		32.30%		10.60%		6.66%		12.76%	
Patients under treatment 1 June, 1888	42		38		9		5		5		99	

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

TREATMENT OF TYPHOID FEVER AT THE
COAST HOSPITAL.

(REPORT ON.)

Ordered by the Legislative Assembly to be printed, 17 July, 1888.

*Extract from the Minutes of the Board of Health of a meeting held on the
13th of June, 1888.*

Rate of Mortality of cases of Typhoid Fever under treatment at the Coast Hospital during the first five months of the year 1888.

"THE Board having observed from a report adopted this day the very favourable rate of mortality of cases of typhoid fever under treatment in the Coast Hospital during the first five months of the year 1888, requested the Medical Adviser to the Government to be good enough to obtain from the Medical Superintendent of the Coast Hospital a report disclosing the causes which have, in Dr. Peirce's opinion, led to this very satisfactory result."

Sir,

Board of Health Office, 127 Macquarie-street,

Sydney, 14 June, 1888.

I have the honor, by direction of the Medical Adviser to the Government, to inform you that he has with very much pleasure observed from a table which has been recently prepared in this office, that the rate of mortality from typhoid fever at the Coast Hospital, during the first five months of this year, is much lower than in the years 1886 and 1887, and that it compares very favourably with the mortality rates in the metropolitan hospitals.

The Medical Adviser to the Government would feel much obliged if you will kindly furnish him with a succinct report disclosing the causes which, in your opinion, have led to this very satisfactory result.

I have, &c.,

EDMUND SAGER,

Secretary.

The Medical Superintendent, Coast Hospital, Little Bay.

Sir,

Coast Hospital, 19 June, 1888.

In compliance with your request that I should furnish a report accounting for reduction in mortality from typhoid fever at the Coast Hospital, I have the honor to submit the attached notes.

While thanking you for advice and assistance in difficult cases, and feeling indebted to Dr. Thompson for recommending an examination into the relative therapeutic virtues of antipyrin and antifebrin, I have pleasure in acknowledging the very willing assistance always given by Dr. R. W. Young in the management of the patients.

The constant kindly attention of the nurses, under the able and cheerful direction of the Matron (Mrs. Mackay), was also an absolutely essential factor under Providence in producing beneficial results.

I have, &c.,

W. PEIRCE,

Medical Superintendent.

The Medical Adviser to the Government.

REPORT on treatment of cases of Enteric fever at the Coast Hospital in 1888.

It is usual to commence the treatment of Enteric fever at the Coast Hospital by the Administration of 3 to 5 grains of calomel in cases received within about the first 10 days of the disease. This appears to exert a favourable influence on the fever; not, however, I think, as frequently supposed, by generating mercuric perchloride internally and thus indirectly acting on the seat of the disease. If this were really the mode of action of the calomel, I should certainly expect that poisonous symptoms would in some cases arise; but fortunately this does not occur.

After

After the action of the calomel, provided that the kidneys work satisfactorily, acetanilide is given in 5 grain doses, and continued in the same doses whenever the temperature exceeds a certain point (101° to 103°) according to the case; up to 6 or 8 times in 24 hours, if necessary. After each dose the temperature generally falls perceptibly in about 40 minutes and attains its minimum in from 2 to 4 hours. The evident action of this drug, besides lowering the temperature, consists in diminishing the frequency of the pulse from about 6 to 20 beats per minute, with corresponding slowing of respiration, and at the same time increasing arterial tension, and inducing profuse skin elimination, thus very much diminishing the tendency to delirium and frequently quite preventing typhoid stupor. It also induces a remarkable feeling of ease and repose which appears partly to depend on the production of a certain amount of peripheral anæsthesia. When the effect of acetanilide is passing off, the temperature frequently rises with great rapidity—like the sudden releasing of a gradually-compressed spring. Immediately on perceiving the elevation of temperature, the practice has been to administer another dose before the stupor and delirium generally incidental to a high temperature have had time to become manifest. This treatment, which neither shakes nor alarms the patient, has striking advantage over cold bathing in very many cases. It is found essential to take temperatures at least every two or three hours, day and night, in order to carry out this plan of treating fever properly; and I observe that the free and prolonged administration of turpentine, and of chlorine mixture, is more than ordinarily beneficial when aided by the regular use of acetanilide.

The appetite is observed to improve and the liability to inflammatory complications to diminish in most cases in which acetanilide has been given continuously for several weeks, and it certainly has the power of remarkably economizing the patients' vital energy. It produces, as far as my observation goes, no permanent mischief, and it is not necessarily contra-indicated in cases of cardiac complications, whether they arise during the course of the fever or not. I gave the drug freely, with evident advantage, to a patient with typhoid fever, complicated with mitral regurgitation after acute rheumatism, and also with benefit in another case which had old mitral obstruction and hypertrophy of left ventricle. Besides giving rise to no unpleasant symptoms, the effect of acetanilide is to render the course of enteric fever milder than it otherwise would be, but it probably may not lessen the duration of the disease. In all cases in which acetanilide is freely given there is a liability to the occurrence of occasional cyanosis of extremities and face, with irregular pulse; and I have sometimes noticed chills accompanying the rise of temperature when the action of the drug was ceasing. These symptoms are transitory, and can be adequately combated by the temporary suspension of the medicine and the occasional use of hypodermic camphor.

The use of alcohol in small doses, seldom exceeding 2 ounces of brandy in 24 hours, and generally only in cases of failing heart (especially when associated with asthenic delirium), has been lately the practice at the Coast Hospital. I feel convinced that the partial cerebro-spinal insensibility produced by persistent large doses of alcohol in typhoid fever is very injurious during a long illness, although it may induce a temporary soothing and beneficial effect. Long-continued stimulation means wasted nerve energy, necessarily accompanied by a corresponding diminution in the patient's ultimate probability of recovery. In treatment of enteric fever we are compelled to diminish the fuel employed to sustain life; we should therefore proportionally diminish, if possible, the fire that consumes it, and this can only be done by economizing nerve-power, lessening muscular exertion, and reducing heat. Even when only occasionally used in the course of typhoid fever, it is evident that alcoholic stimulation means temporary exhilaration, due to increased cerebral circulation, and inevitably succeeded by proportional nervous depression, unless followed up by persistent alcoholic dosage. By its palpably injurious effects on respiration and on the functions of the liver and brain; the prolonged use of alcohol in enteric fever is answerable for many insidious deaths—the very natural culmination of a chain of neurotic symptoms intensifying towards the end, and insensibly gliding into coma.

Complications of pneumonia and pulmonary congestion have been treated by liniments and the internal administration of turpentine and creosote. Carbonate of ammonia was generally avoided in consequence of its irritative action on the bowels and its liability to induce diarrhœa. Chest complications were generally regarded as of secondary importance in comparison with the *enteric lesion*.

Delirium was treated with urethan, chloral, digitalis, veratrum viride, belladonna, ice to head, &c.

The treatment employed in intestinal hæmorrhage generally consisted in perfect rest, hypodermic ergotine, ice poultices to right side of abdomen and iced-water enemata, with also the occasional administration of tannic acid, laudanum, and turpentine. Tannic acid and laudanum were, however, always used with great caution, as they certainly have a tendency to give rise to tympanites.

Ice poultices were applied, and turpentine was generally given in the treatment of tympanites.

Diarrhœa was treated with opium and starch enemata, acetate of lead, subnitrate of bismuth, pectucuanha, &c.

Peritonitis was successfully treated with full doses of opium and absolute deprivation of food.

Hypodermic camphor and warm alcoholic drinks were given with advantage in cases of cardiac failure.

Symptoms of thirst throughout the disease were relieved by mild phosphoric acid drinks, and by applications of glycerine, &c., to the tongue and throat.

During convalescence, arsenic, quinine, phosphorus and iron, were given with advantage.

It has been the custom to give only milk and beef-tea until between seven and fourteen days after normal temperature has been established, and then to give only sago or arrowroot for several days in addition to the former diet.

Very much injury has been caused by the visits of ignorant sympathizing friends, not only by directly smuggling in biscuits, &c., but by injudicious conversation, exciting, fretting, and wearying patients, thus raising their temperatures and wasting their energies. This cause appreciably influences mortality statistics.

All thermometers are separately tested before being sent into the wards, and incorrect instruments are discarded. Observations of nurses are frequently checked by comparison with a standard clinical thermometer at the bedsides of patients.

I append a case which illustrates the general treatment.

W. PEIRCE,
Medical Superintendent.

CASE

CASE illustrative of action of Acetanilide.

Bessie Christison, aged 25, married. Two years in Australia. Admitted to Coast Hospital, 26 April, 1888. Over three weeks ill. Temperature on day of admission reached 105°. Febrile stupor existed, with dry, parched tongue, weak and compressible pulse, bronchial râles, disturbed sleep, and distressing thirst. Prognosis very unfavourable. Highest temperature attained during illness, 106°. Lowest temperature attained during illness, 98·4°. Turpentine was given all through this case, with occasional doses of belladonna and digitalis; also urethan for sleeplessness. No alcohol was given until the forty-seventh day, and since that date only 6 ounces of port wine daily. As convalescence approached, phosphorus and arsenic were freely given.

The Board of Health, Sydney, 23 June, 1888.—H.N.M., Medical Adviser to the Government.

Read at a meeting of the Board of Health held on 27 June, 1888:—

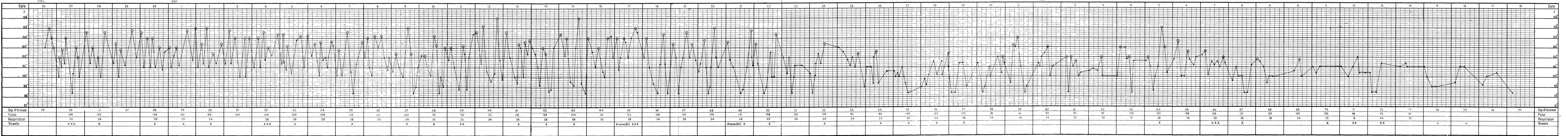
Resolved,—“That the Board of Health desire to record their appreciation of Dr. William Peirce's very able report on the subject of typhoid fever, and the reasons which have led to the small mortality in the Coast Hospital, of which institution he is the Medical Superintendent, during the first five months of the year 1888.”

EDMUND SAGER,
Secretary to the Board of Health.

Dr. Peirce informed.—E.S., 28/6/88.

[Diagram.]

Name Maria Christison Age 24 Occupation Housewife



(Sig # 971)

○ Signifies Acetanilide gV

○ Signifies Acetanilide gV

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE
SYDNEY, NEW SOUTH WALES

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

OUTBREAK OF FEVER AT GLENDUART, MORUYA.
(PAPERS RELATING TO.)

Ordered by the Legislative Assembly to be printed, 10 July, 1888.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 14th June, 1888, That there be laid upon the Table of this House,—

“Copies of all papers and documents relating to the outbreak of typhoid or scarlatina at Glenduart, Moruya, in July, 1883.”

(*Mr. Lakeman.*)

Telegram from The Police Magistrate, Moruya, to The Principal Under Secretary.

Moruya, 7 July, 1883.
THE police have reported to-night ten cases of scarlatina near Moruya. Am I authorized to employ special constables and quarantine those the doctor may report as affected? If so, please wire instructions without delay.

H. M. KEIGHTLEY,
Police Magistrate.

The Medical Adviser to the Government.—C.W., B.C., 9/7/83. Would the Inspector-General be kind enough to cause a report to be obtained from the local police officer concerning this outbreak?—C.K.M., B.C., 11/7/83. The Inspector-General of Police. Report enclosed for the information of the Medical Adviser to the Government.—ED. FOSBERY, B.C., 13/7/83. Urgent and important.

Telegram from Mr. Police-Superintendent Zouch to The Inspector-General of Police.

Goulburn, 13 July, 1883.
TELEGRAM from Moruya reports Mrs. Wray, who was a passenger by ship “Allanshau,” quarantined on arrival on account of having scarlatina on board. Mrs. Wray afterwards came to Moruya with her boxes and bedding and dirty clothes; these were washed there. Dr. King reports eight cases—one death, three convalescent, and four sick, all in the immediate neighbourhood of Mullinderra, 1 mile from Moruya.

H. ZOUCHE,
Superintendent.

Dr. Mackellar to The Principal Under Secretary.

Medical Adviser's Office.
MRS. WRAY, the person mentioned in this report, did not suffer from scarlet fever, nor did her husband, who died at the Quarantine Station. Her woollen clothing and that of her husband, worn at the Quarantine Station, was destroyed by fire, as was also the bedding used by them; the whole of the rest of her clothing was boiled and otherwise disinfected. Mrs. Wray has since made a claim upon the Government for compensation for the destruction of her property, and the *papers relating to her claim are attached hereto. There can be no necessity for having recourse to the local quarantine, suggested by Mr. Keightley. * Vide Enclosure.

1004—

[830 copies—Approximate Cost of Printing (labour and material) £1 18s. 3d.]

I have forwarded to the district 150 copies of the "Instructions for the Prevention of the spread of Infectious Disease," and have instructed the Government Medical Officer to promptly visit and report on the outbreak.

B.C., 13th July, 1883.

C.K.M.

Referred for the information of the Inspector-General of Police.—C.W., B.C., 16/7/83.

[Enclosure.]

G. F. Wise, Esq.,
Sir,

Elizabeth Villas, William-street, Balmain, 25 May, 1883.

The following is a list of the clothing, &c., which has been kept from me on my leaving Quarantine, which I am told will be destroyed, and for which I claim compensation to the amount of £2 5s. :—1 pair trousers, 1 vest, 2 coats, 1 hat, 1 woman's dress, 3 blankets, 1 bed.

An early reply will oblige

Yours truly,
JULIA WRAY.

Blankets and bed
are the property
of the Govern-
ment.—G.F.W.

Referred to the Health Officer to advise what amount should be paid to Mrs. Wray as compensation for clothing alleged to have been destroyed at the Quarantine Station.—G.F.W., 29/5/83. The Superintendent of Quarantine for report as to the value of the articles destroyed.—C.K.M., B.C., 30/5/83.

Mr. Superintendent Hawkin to Dr. Mackellar.

Sir,

Quarantine Station, 2 June, 1883.

I have to report for your information, with reference to the attached letter to G. F. Wise, Esq., that Mrs. Wray, before leaving the station, agreed to allow the whole of the articles mentioned to be destroyed, should this course be necessary, for the remuneration of £1.

The value of the clothing is, however, as valued by myself and the hospital attendant, not more than 30s.

I have, &c.,
D. HAWKINS,
Superintendent.

The Agent for Immigration.—C.K.M., 6/6/83.

Mr. J. Howard to The Agent for Immigration.

Dear Sir,

Moruya, 7 June.

Mrs. Wray has instructed me to ask you if you are going to give her anything for things burned on the Quarantine island. Please forward the money to Mrs. Wray, care of J. Howard, Moruya.

Yours, &c.,
J. HOWARD,
(pro Mrs. WRAY.)

See letter-book 14/6/83, also letter-book June 30, 1883. Further police reports enclosed. They might be sent to the Medical Adviser to the Government, B.C., 31 July, 1883.—EDMUND FOSBERY, I.G.P. The Principal Under Secretary. Forwarded to the Medical Adviser to the Government, B.C., 7/8/83.—C.W.

[Enclosure.]

Police Station, Moruya, 13 July, 1883.

CONSTABLE H. L. Williams (No. 1,619 F.) reports, for the information of Captain Zouch, with reference to scarlatina at Mullinderra, near Moruya :—From inquiries made by the constable it appears that a Mrs. Wray arrived here from Sydney about six weeks ago, and took up her abode with one John Howard, of Mullinderra; she was a passenger by the immigrant ship "Allanshau," which was quarantined on her arrival, having scarlatina on board. Mrs. Wray brought her boxes, which contained dirty clothes and bedding, which were washed at Howard's. The scarlatina appeared about three weeks ago in Howard's family.

Dr. King, the medical attendant, informs the constable that there have been eight cases of scarlatina, out of which there has been one death, three convalescent, and four sick at present, and there have been no fresh cases since last week. The affected houses are in the same paddock, and about 1 mile from Moruya township, and is divided by the river. Captain Zouch, Superintendent of Police, Goulburn.

H. L. WILLIAMS,
Constable.

I do not see that anything further can be added to Constable Williams' report of the 13th instant, of which this is a copy. There is no sickness at Howard's place at the present time, but at Mrs. Donovan's house, which is in the same paddock, there are four children down with the fever. Two of them are recovering; the other two are seriously ill; one has gone blind, and the other has dropsy. No further cases have occurred since the 7th instant.—WALTER C. CASEY, Sub-Inspector, Moruya, 28/7/83.

For the Inspector-General's information.—Papers attached re scarlatina at Moruya, 30/7/83.—H. ZOUCH.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

QUARANTINE STATION AT NORTH HEAD.

(CORRESPONDENCE IN REFERENCE TO THE REMOVAL OF.)

Ordered by the Legislative Assembly to be printed, 9 February, 1888.

RETURN to an *Order* of the Legislative Assembly, dated 21st December, 1887,
That there be laid upon the Table of this House,—

“Copies of all papers, letters, minutes, &c., in reference to the removal of
“the Quarantine Station at North Head.”

(Mr. Lyne.)

Minute by The Colonial Treasurer.

The Treasury, New South Wales, Sydney, 14 February, 1887.

Subject :—The proposed removal of the Quarantine Station from Manly.

THE attention of the Board of Health has probably been drawn to the agitation which has been carried on of late at Manly for the removal of the Quarantine Station from that locality, and, as the subject is one of great importance, I should like to have the opinion of the Board on whether, in its judgment, the station should be removed, and if so to what quarter.

J.F.B., 14/2/87.

The Health Officer.—G.E., B.C., 14/2/87.

The Secretary, Board of Health, to The Under Secretary for Finance and Trade.

Sir, Board of Health Office, 127, Macquarie-street, Sydney, 18 February, 1887.

I have the honor to inform you that at a meeting of the Board of Health held this day the enclosed minute of the Honorable the Colonial Treasurer upon the proposed removal of the Quarantine Station from Manly was taken into consideration, when a memorandum by the President on the subject (also enclosed), which had been previously circulated among the members of the Board, was adopted by the following resolution :—

“The Board having considered the memorandum of the President on the question of the proposed removal of the Quarantine Station from Manly, adopt the same, and direct that it be forwarded to the Honorable the Colonial Treasurer as the opinion of the Board.”

I have, &c.,

EDMUND SAGER,

Secretary.

Put with the papers in reference to this business.—J.F.B., 10/10/87.

[Enclosure.]

Memorandum for the Board of Health by the President with reference to the Hon. the Colonial Treasurer's Minute, dated 14/2/87.

I AM unable to recommend the removal of the Quarantine Station from North Head as proposed by the deputation from the inhabitants of Manly. It appears from the records of this office that during the last fifty-four years about fifty separate outbreaks of small-pox, for the most part introduced by vessels from abroad, have been dealt with successfully at the present Quarantine Station. In not one of these cases has there been the slightest suspicion that the disease has been communicated from the station to the inhabitants of the Colony. It is therefore difficult to see any valid reason for disturbing the existing arrangements, which have worked so well in the interests both of the general public and of the persons affected by contagious disease.

437—

[805 copies—Approximate Cost of Printing (labour and material) £1 15s. 5d.]

I would point out that the proposed removal of the Quarantine Station to a site at a greater distance from the water of Port Jackson would be attended by an enormous expense. During the outbreak of 1881 it was deemed advisable to establish a Sanatorium and Hospital for the treatment of infectious disease at Little Bay. For this purpose buildings were erected to accommodate about 200 persons. They were constructed of the cheapest materials, namely, wood and galvanized iron, but the cost amounted to no less than £32,601 16s. 9d. Considering the large size of the ocean steamers which travel to this port, and the very great number of steerage passengers, which they often carry, it would be necessary to make provision at any new Quarantine Station for housing at least 600 persons. Estimated at the same rate as Little Bay Hospital, the cost of the new buildings required would scarcely fall short of £100,000. There would, in addition, be a considerable outlay for wharves and roads, and for the provision and storage of a suitable water supply. Moreover, in order that the proposed new station might subservise those purposes with respect to outbreaks in the city, for which the North Head station has been repeatedly found so useful, it would be necessary to provide suitable means of communication from Sydney, most likely by the purchase of a steamer for quarantine purposes, large enough to proceed outside the Heads in all weather.

Considering all these matters, and judging by my past experience, I am inclined to believe that the first cost of establishing a new station, independent of the value of the ground selected as a site, would not be less than £150,000. I would further point out that the greater distance from head-quarters at which it is proposed to establish a new station would add very greatly to the difficulty and expense of management. At present all supplies required for the use of the sick and the other persons quarantined can be sent down within an hour of the necessity being made known, and it is therefore unnecessary to maintain at the Quarantine Station any permanent supply of perishable stores. But if the station were removed to one of the harbours further up the coast it would be impossible to conduct it properly without keeping constantly on hand a large supply of all the articles of food and medicine, together with medical comforts, which might be required on any emergency. Moreover, from the configuration of the present Quarantine Station it has been found heretofore perfectly practicable to maintain the strictest quarantine by the aid of a very small body of police. If the station were removed to any of the alternative sites which have been proposed, the guard required for the maintenance of quarantine would be much larger both by land and by sea. At the same time I believe that at no other situation would it be possible to pay the same attention to the comfort and the reasonable requirements of the persons quarantined that we have been able to do with respect to the station at North Head.

In order to meet as far as possible any theoretical objections that may be raised to the present site of the Quarantine Station, and to prevent the recurrence of disastrous cases like that of the "Preussen," I would submit the following recommendations:—

- 1st. That immediate action should be taken by the Government, with the co-operation of the other Australian Colonies, with a view to the establishment of Federal Quarantine Stations at Albany, and Port Darwin or Thursday Island, in accordance with the principles laid down by the Australasian Sanitary Conference of Sydney of 1884.
- 2nd. That the "Faraway" should no longer be used for the reception of small-pox patients, but that all such cases occurring at the Quarantine Station should be treated in a new hospital to be erected at a more distant part of the grounds. For this purpose several eligible sites have been selected by the chief medical inspector, the nearest of which would be more than a mile from any house in Manly, a distance which should, I think, satisfy the most timid of the inhabitants. As every case of infectious disease which shows itself in any ship in the quarantine waters is at once removed to the hospital appointed for its treatment it is difficult to see how any infection could possibly be spread among the public.
- 3rd. I would repeat my recommendation of 15 and 31 December, 1885, renewed by the Board of Health on 4 January, 1887, to the effect that boundary buoys should be laid down to mark the limits of the quarantine waters so that the public should not break quarantine by inadvertence; and that moorings of sufficient strength should be laid down for the securing of a vessel in quarantine so that she should not at any time swing outside the quarantine boundary.

H. N. MACLAURIN, M.D.,
President.

Board of Health Office, Sydney, 16 February, 1887.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COCKATOO ISLAND.

(REPORTS ON SANITARY CONDITION OF.)

Ordered by the Legislative Assembly to be printed, 21 September, 1887.

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COCKATOO ISLAND.

FITZROY DOCK.

SUMMARY of Sanitary recommendations and notes of the Engineer-in-Chief for Harbours and Rivers thereon.

Dr. Coppinger's recommendations.	Engineer-in-Chief's remarks.
<p>To have the interior of the dock cleaned by scrubbing, scraping, and washing down with a solution of sulphate of iron or common whitewash.</p> <p>Jetty for discharging rubbish into the sea to be carried into deep water.</p> <p>One person to be responsible for sanitary matters.</p> <p>Reconstruction of the Bilola sewer before the institution is again occupied.</p> <p>Notice to be posted up over horse trough of unfit nature of water for human consumption.</p> <p>Closing the existing filling sluice and constructing an opening in the caisson to serve as a filling culvert.</p> <p>Holes and crevices in sides of dock to be filled up and pointed with cement.</p> <p>Outlet from officers' latrine to be carried out below low water.</p>	<p>This has been done, a solution of sulphate of iron being used.</p> <p>It is proposed to deliver rubbish into a punt to be taken out to sea.</p> <p>Mr. Young, the resident engineer at the new dock, has been placed in full charge of these matters.</p> <p>Mr. Barnet (Colonial Architect) states that this matter will receive attention under a contract which has been let for alterations to the building. Carried out.</p> <p>Consequent upon the removal of the latrines, nothing but pure water can now enter the dock.</p> <p>On the north side a grip intercepts any surface water from the high ground; on the south side the ground falls from the coping towards the shore.</p> <p>This has been done.</p>
Board of Health's recommendations.	Engineer-in-Chief's remarks.
<p>An experienced dock superintendent to be placed in charge of the whole of the dock premises.</p> <p>Boat harbour to be reclaimed.</p> <p>Filling sluice to be constructed so as to take in pure water only.</p> <p>System of sewers to be laid down.</p> <p>Scavenging service to be organised.</p> <p>All faecal matter, house refuse, sweepings, &c., to be destroyed by fire.</p> <p>Present water-tanks to be emptied, made water-tight, and effectually protected from inflow of surface water. If this cannot be done, arrangements should be made for condensing water, to be stored in overground tanks.</p>	<p>A dock superintendent is already in charge of the dock premises; but all sanitary arrangements, as before explained, have been placed under the control of Mr. Young, the resident engineer at the new dock.</p> <p>As the latrines have been removed from this place I hardly think this expense necessary; it would involve the deposition of some 30,000 cubic yards of material to fill it up.</p> <p>See previous remarks on this subject.</p> <p>Will be attended to.</p> <p>Has been attended to.</p> <p>The arrangement approved is that all sewage, refuse, &c., shall be sent away in a special punt.</p> <p>The question is under consideration of connecting Cockatoo Island with the Sydney water system, which will completely remove all difficulties on the score of water supply.</p>

The Health Officer and President of Board of Health to The Under Secretary for Finance and Trade.

Board of Health, 127 Macquarie-street,
Sydney, 22 January, 1886.

Sir,

In looking over reports from the various hospitals, I discover that on the 28th November last no fewer than five cases of typhoid fever were sent on shore from H.M.S. "Myrmidon," and that a few days later two more cases were sent.

I would respectfully urge the Honorable Colonial Treasurer to request the Senior Naval Officer to inform this Department whether any cause can be assigned for such an alarming outbreak of disease occurring in a ship lying in Port Jackson; and I would further recommend that the naval authorities should be informed that in case of any future outbreak of communicable disease occurring on board any of H.M. Ships lying in Port Jackson, this Department will be ready to afford them any assistance that may be in our power.

I have, &c.,

H. N. MacLAURIN,
Health Officer and President of Board of Health.

To

To be referred to His Excellency the Governor.—J.F.B., 25/1/86. The Private Secretary.—G.E., 25/1/86, B.C. Will Senior Naval Officer kindly furnish information.—CARRINGTON, 28/1/86.

H.M.S. "Myrmidon" is now away. The cases of typhoid fever were all sent from Fitzroy Dock, and from the sanitary state of the Island it is not to be wondered at.—F. S. CLAYTON, Captain and Senior Officer. H.M.S. "Diamond" at Fitzroy Dock, Sydney, 28 January, 1886. For the report of the Health Officer.—J.F.B., 2/2/86. The Health Officer.—G.E., B.C., 3/2/86.

Minute by The President of the Board of Health.

WILL the Chief Medical Inspector kindly make an inquiry into the alleged insanitary state of Cockatoo Island with as little delay as possible. H.N.M., 4/2/86.

The Chief Medical Inspector.

Minute by Dr. Thompson.

Health Department, 10 February, 1886.

IN preparing my report upon the sanitary condition of Cockatoo, I think it necessary to have a return for (say) three years past of the sickness which has occurred in Biloela Orphanage. Perhaps, as Dr. Evans, senior, the Medical Officer, is now sick, Dr. Evans, junior, who has acted for him, might be instructed to send the case-book over for inspection, with any remarks which he may feel able to make, either from his own observation, or from his father's information. J.A.T.

The President of the Board of Health., B.C.

Mr. Sager will kindly ask Dr. Evans for the information and return required.—H.N.M., 11/2/86. Done.—E.S., 11/2/86.

Dr. Evans to The Secretary of the Board of Health.

Sir,

Balmain, 18 February, 1886.

I must apologise for not having answered yours of the 11th instant sooner, but I only received it two days ago, having been laid up from the effects of a fall received in mounting a fresh horse.

I append the information and remarks you desire.

I remain, &c.,
OWEN SPENCER EVANS, M.R.C.S.E.,
Visiting Surgeon Industrial School, Biloela.

[Enclosure.]

BILOELA INDUSTRIAL SCHOOL.—Average of inmates for 1883, 1884, 1885, per annum, 110; staff, 12 (not any deaths). The personnel of inmates changes, owing to some going away and others coming in. All illness has been brought in from outside (none developed in the institution) by girls arriving with venereal taint, skin disease, heart disease, ophthalmia, and granular lids, which would soon spread if not promptly stamped out and isolated, and by using plenty of disinfectants, also lime-juice, vegetables, and suitable diet. My thanks are due to the Superintendent and officers for their cordial and active co-operation in keeping down sickness and enforcing cleanliness.

Four of the worst chronic cases of granular lids, that required daily attention, were sent to Hospital in Sydney. Two came back as incurable, and are a source of danger to the rest; two still remain in Hospital in Sydney.

The main drain on the north side got choked owing to the rubble thrown in for purposes of reclamation from the harbour. Workmen are clearing it and laying down pipes to carry the sewage to deep water.

I inquired about the typhoid fever, and find from the medical attendant (Dr. Davison) that they were continued fever and not typhoid. They occurred on the flat, near the water. The general condition of the Island is, I believe, healthy. We have had a clean bill of health all 1886, except the two incurable cases returned of ophthalmia, who should be removed.

Total cases of sickness for past three years, 96, of which 41 were ophthalmia, caught from new arrivals, but were soon cured. The rest were cases of gastric and a mild form of continued fever, and other incidental ailments. There were only twelve serious cases necessitating protracted detention in the hospital, which were rheumatic fever, heart disease, and venereal disease.

Balmain, 17/2/86.

OWEN SPENCER EVANS, M.R.C.S.E.,
Visiting Surgeon.

LIST of cases treated in Hospital, Biloela, since January, 1883.

Name.	Complaint.	Age.	Date of admission to Hospital.	Date of admission to Institution.
E. F.	Relapse fever ..	8	January 3rd, 1883	November 6th, 1876.
L. M.	Fever	16	April 6th, 1883	March, 1882.
B. M.	"	10	May 16th, 1883	September, 1882.
R. J.	"	13	May 22nd, 1883	February, 1883.
J. N.	"	5	May 22nd, 1883	November 29th, 1881
A. G.	"	12	October, 1883	October, 1883.
M. J. A.	Congestion lungs.....	11	June 12th, 1883	September, 1881.
S. B.	Heart disease	14	March 12th, 1884	September 4th, 1879.
M. O'T.	Dislocation shoulder.	10	March 22nd, 1884	May, 1883.
K. L.	Heart disease	11	April 16th, 1884	May, 1883.
M. N.	Acute rheumatism ...	14	March, 1884	March, 1884.
G. M.	Venereal	13	October 17th, 1884.....	October, 1884.
E. M.	"	14	January, 1885	January, 1885.
E. L. A.	Ophthalmia	8	} Sent to Moorefield Eye Hospital, May 28th, 1885. } Still there. } Sent to Moorefield Eye Hospital September 29th, 1885— returned.	
M. F.	"	7		
G. V. C.	"	6		

NOTE.—For obvious reasons the full names are not given.

The rest of the cases were treated at the Surgery as out patients, viz. :—Ophthalmia scabies brought on by new arrivals, also incidental ailments of a trifling character.

29/3/86.

The Deputy Medical Adviser.—H.N.M., 19/2/86.

OWEN SPENCER EVANS,
Visiting Surgeon.

Fleet

Fleet Surgeon Coppinger to Captain Lake, R.N.

Sir,

H.M.S. "Nelson," Sydney, 19 March, 1886.

In compliance with your order of this date, regarding the sanitary condition of the Fitzroy Dock at Cockatoo Island, I have the honor to inform you that I have this day visited the dock, in company with Staff Commander Quinn, and have to report as follows, premising that owing to the limited means at my disposal the investigation made has not been by any means of an exhaustive nature:—

At the time of our visit to Cockatoo Island the dock happened, unfortunately, to be full of water, so that we were unable to see anything as to the state of the interior. On the other hand the circumstance that the tide was low enabled us to obtain a view of the foreshore on that part of the Island immediately adjoining the dock.

The inlet culvert of the dock is so situated that its outer end is within about 40 yards of the latrine used by the seamen of ships in dock; and as both open upon the comparatively still water of a small cove (as shown in rough diagram) the process of filling the dock must almost inevitably involve the admission of fœcal matter with the inrush of water through the open culvert. It therefore follows that the subsequent pumping out of the dock would probably result in the deposition of a certain amount of filth on floor and steps of dock. The captain of the dock informs us that it was his practice to wash out frequently by admitting a small stream of water through the regular inlet culvert and then pumping out through the drain well at caisson end of dock. This measure, while providing for the cleanliness of floor of dock, would still leave untouched the objectionable sediment which may have collected on the steps, representing a considerable area.

When we inspected the men's latrine the outlet apertures in the rear wall of the low stone building were several yards removed from the actual water line, while the included portion of foreshore was strewn with excrement and filth of various sorts. Obviously, apart from the special local considerations which affect this case, it would be better to have the latrine so fitted that the excrement should drop directly into the sea water and that it should be erected in a position where, from the conformation of the shore line, the wash of ebb and flow would scatter and destroy the matter deposited.

We noticed a considerable patch of ground on the port or seaward side of the dock which was strewn in an apparently reckless manner with various sorts of debris, organic and otherwise, appearing, indeed, to serve the purposes of a dustbin or cesspit.

The Island is without any regular supply of fresh water, there being no connection with the general pipe-water service of Sydney. Water is occasionally brought over in tanks, but I understand that the inhabitants of the Island are mainly dependent upon rain-water stored up in small reservoirs. In this connection I should mention that in the immediate neighbourhood of the dock are a series of iron fresh-water tanks connected by pipes, the tank on the highest level being supplied by the water which trickles through a seam in the wall of sandstone rock rising precipitously on that side of the dock next the inhabited portion of the Island. One of these tanks appears to be used for supplying a horse-trough.

I would say, in conclusion, that as the result of a cursory examination I consider the sanitary arrangements at the Fitzroy Dock to be open to objection in at least three particulars, viz. :—(1) the relative positions of latrine and inlet culvert; (2) the position and construction of the latrine itself; (3) and the want of proper dustbin accommodation.

I have, &c.,

R. W. COPPINGER, M.D.,

Fleet Surgeon.

Rear-Admiral Tryon to His Excellency Lord Carrington.

My Lord,

H.M.S. "Nelson," Sydney, 24 March, 1886.

An outbreak of fever, which included two cases of pronounced typhoid fever, having occurred on board H.M.S. "Diamond" shortly after she left the dock, Cockatoo Island, I am endeavouring to trace the cause with the view to the adoption of precautionary measures.

2. As the ship's company were in free communication with the whole of Sydney it possibly will be very difficult to establish clearly the promoting cause, but the enclosed letter from the Fleet Surgeon of my Flag-ship I am confident cannot fail to actively interest your Excellency's Government in a matter of great importance to Sydney.

I have, &c.,

G. TRYON,

Rear-Admiral and Commander-in-Chief.

The Colonial Secretary.—CARRINGTON, 26/3/86. The Health Officer.—G.E., 8/5/87. Will Dr. Thompson kindly furnish me with a report on this matter.—H.N.M., 12/5/86. The Chief Medical Inspector.

Dr. Thompson to The Medical Adviser to the Government.

I SAW Mr. Evans with reference to the enclosed yesterday, and I found that owing to his confining the expression "typhoid" to the typhoid state it is impossible to learn his exact meaning from his report as worded. I therefore think that he should be directed to report certain matters of fact, and I did at the time request him to do so; but, upon consideration, I believe that further misunderstanding will be prevented if he is asked to report according to the following schedule. He may be desired first to except from his further report the forty-one cases which he has already stated to be cases of ophthalmia. He should then give the names of the remaining fifty-five, the name of the disease, the age of the patient, the date of attack, the date of discharge from medical treatment; and to this the proper official should add the date of the admission to the asylum of each patient named. I believe it will be well that the necessity which you discovered (January 22) for inquiring minutely into the state of the Island should be explained, and that the inquiry into the health of the Orphanage is merely a part of the general investigation, and has no special reference to Mr. Evans' duties. I must point out, however, that in every such public institution the facts I now require should be shown by books, from which anyone authorised could extract them; and that, as I understand Mr. Evans, no such record is kept.

25/3/86.

J. ASHBURTON THOMPSON, M.D.

Captain

Captain Musgrave to Rear-Admiral Tryon.

Sir,

H.M.S. "Rapid," at Sydney, 28 February, 1887.

In consequence of the medical officers attending an inquiry held on board this ship on 24th instant as to the origin of an outbreak of typhoid fever on board H.M.S. "Swinger" (in accordance with your orders of 23rd instant, communicated to me by telegraph), attributing it to the insanitary condition of the dock at Cockatoo Island and its surroundings, I have the honor to send the following recommendations, after a personal inspection of the dock on 25th instant:—

1. That the men's water-closets should be shifted, as at present they are placed in a small indentation in the Island (unaffected by the tide) at the head of the dock and close to the flooding sluice, so that on every occasion of having to open the sluice all the refuse which congregates in this small bay (or rather cesspool) is emptied into the dock.
2. That regulations should be made for all refuse, &c., to be placed in an allotted place, and removed by a dirt-boat at least once a week; also, that coal should not be stored in the vicinity of the dock.
3. That a man should be appointed in charge, and responsible that whatever sanitary arrangements were elected should be strictly enforced.

I have forwarded a copy of my recommendations to Dr. MacLaurin, of the Health Department, and Mr. Darley, of the Harbours and Rivers Department, and I have also interviewed them personally on the subject.

I have, &c.,

ARCHER J. W. MUSGRAVE,
Captain and Senior Officer.

The Chief Inspector to meet Captain Musgrave at 10.30 a.m. on the 4th at the Island.—H.N.M., 1/3/87, B.C.

Captain Musgrave to The Medical Adviser to the Government.

Dear Dr. MacLaurin,

H.M.S. "Rapid," Sydney, 2 March, 1887.

Half-past 10 on Friday morning will suit me admirably; hoping that we shall not contract any typhoid fever during our short stay in the dock, which chance, however, I shall try and confine as much as possible by sending everybody I can spare on leave under Mr. Shearston's charge, who really deserves the thanks and assistance of the whole of the Navy.

I have, &c.,

A. J. W. MUSGRAVE.

Captain Musgrave to The Medical Adviser to the Government.

Dear Dr. MacLaurin,

H.M.S. "Rapid," 7 March, 1887.

I send herewith a copy of suggestions that I have forwarded to the Commander-in-Chief relative to the sanitary arrangements at Cockatoo Dock; also as I am going into dock in the "Rapid" on Saturday next intend visiting the Island on Friday. Would you care about coming with me? If yes, what time will suit you best, and where most convenient to pick you up? The forenoon is the best time for me.

I have, &c.,

A. J. W. MUSGRAVE.

Dr. Thompson to The President of the Board of Health.

Sir,

Health Department, New South Wales, 8 March, 1887.

In accordance with your further instructions of the 1st instant, I proceeded to Cockatoo Island on the morning of the 4th, where I met Captain Musgrave, of H.M.S. "Rapid;" he drew my attention to certain matters which he had noticed.

2. About this date last year you directed me to investigate the state of the Island with reference to the admission shortly before of seven members of the crew of H.M.S. "Myrmidon" to one of the metropolitan hospitals for typhoid fever, which you had observed in looking over the monthly returns of the admissions. For want of official information, for which you immediately applied, with regard to the circumstances surrounding this outbreak, which you had some reason to surmise might be connected with the presence of the vessel in dock, the inquiry was, after a time, pretermitted. I now have the honor to present a report which is based upon the information then gathered, checked and corrected by my present observations.

3. I attach a tracing of the Island, furnished by the Engineer for Harbours and Rivers, which will render descriptions and references intelligible.

4. I give grounds for making the following recommendations:—That a dock-master of experience should be appointed to command of the Island; that the surface of the Island should be thoroughly cleansed and scavenged; that all scrap-iron and waste timber should be removed, and other materials properly and neatly stacked; that the boat harbour should be reclaimed, and the intake of the filling sluice carried out to deep water; that all present residents on the Island, not absolutely obliged by the necessities of work in connection with the dock and fitting-shop to live there, should be removed; that the various reservoirs which store fresh water should be emptied, cleansed, examined, repaired, protected from the admission of surface water, and carefully covered over; that the discharge of excreta upon the foreshore or into the adjacent water should be peremptorily forbidden; that where closets are necessary, pails should be substituted for the present arrangements; that a scavenging service should be organized; and that all refuse should be collected on a barge conveniently moored, which should be towed outside the Heads for emptying.

5. I show, further, that the most probable cause of the outbreak of fever among the men of H.M.S. "Diamond" is found in their having been allowed to drink from a wayside pool of foul water. Ordinary care would have prevented this. I venture, nevertheless, to point out the danger to Captain Musgrave.

I have, &c.,

J. ASHBURTON THOMPSON, M.D.,
Brux., Dip. Publ. Health, Camb.,
Chief Medical Inspector.

The

The Chief Medical Inspector to The President of the Board of Health.

REPORT as to the cause of an outbreak of fever among the crew of H.M.S. "Diamond" during and shortly after docking at Cockatoo Island.

THE facts regarding the occurrence of fever among the crews of such of H.M.'s ships as have been in dock at Cockatoo Island are, as far as you have been able to ascertain them, as follows:—The "Myrmidon," either while in dock or shortly afterwards, sent five cases of typhoid to St. Vincent's Hospital, on Nov. 28, 1885, and two more cases a few days later. The crew of the "Undine" were affected with diarrhœa while in dock at the beginning of 1886, and eventually two cases of typhoid fever occurred among them. The "Diamond's" crew, in dock about the same time, yielded twenty-six cases of fever (of which two are distinguished as being pronounced cases of typhoid), of which the first arose eighteen days after entering the dock—the last, sixteen days after leaving it. I understand that at least one other of H.M.'s ships has suffered in a similar way, but official particulars have been furnished in the case of the "Diamond" alone. At the date mentioned I many times conversed with Staff-surgeon Cross, of H.M.S. "Diamond," both while the ship was in dock and after the outbreak, and I then agreed in the conclusion to which he had come, that the fever was due to some condition or other affecting either the dock or the Island in general.

2. The population of the Island is as follows:—The permanent residents, who are more or less directly connected with the fitting shops and the dock, are about 50 in number; they live in a few cottages which are placed at the easterly end of the Island, either at the shore or on the heights. At the westerly end on the heights is the Biloela Reformatory, which has a population of about 120. At the shore at this end is also a house occupied by the foreman (Mr. Stock) of the contractors for the new dock; the total permanent population being thus about 180, more or less. The people on the Island during work hours only, or day population, are variable in number. About 170 are regularly employed at the fitting shop; from 80 to 100 are generally at work at the new dock; and to these must be added the crews of ships under repair from time to time. The average floating population can scarcely be taken, I suppose, at less than 300.

3. No provision whatever is made for scavenging the Island, which is everywhere covered with all sorts of filth. The parts adjacent to the dock and fitting-shops are encumbered and littered with all sorts of old materials and waste; there are here, about more than, I am told, 200 yards of cinders—harmless in themselves, but absorbing and retaining moisture, and in this climate a source of serious danger for that reason—and many tons of old iron, apparently the accumulation of years, which should have gone to the foundry long ago. There is also a great deal of rotting timber, and the whole of this stuff is more or less mingled with house refuse. House refuse, of course, is to be found here and there in every part of the Island. The contents of pail closets are buried by residents on their land, a thin sprinkling of soil upon the rock, through which it is washed by the rain. Filthy channels of inadequate construction make a pretence of carrying off slop water from some dwellings. Drinking water is obtained by residents mostly from their roofs in iron overground tanks. The supply to Biloela is from certain very large tanks excavated in the rock in Mr. Cowper's grounds; when these are full they overflow into a small and a large open reservoir on the south side of the heights, just over the western end of the Fitzroy Dock, which are not protected from surface drainage. From the larger this water flows through a sand filter into an adjacent underground tank in the rock; thence it is pumped daily to overground tanks for use. When the first-named tanks are not full enough to overflow, the water can be pumped direct to the Reformatory. The waste water from the laundry is led by a short drain which ends on the surface, to a point outside the northern fence, not far from the flagstaff, where it makes stinking pools. Nightsoil is carried in the pails to a trap in a length of 12-inch glazed piping which runs from a point near the superintendent's residence down the steep bank to the edge of high water and there discharges; the soil is put in at the top, and is supposed to be flushed down by hand-carried water. I saw this drain in course of laying, and I know that it is an inefficient piece of work. I am now told by the contractor's foreman that offensive smells issue from it in its course, and that he has watched it but has never been able to detect any sewage to speak of issuing from its mouth. The contractor's men were, and as I am informed by the resident engineer (Mr. Young), still are, without latrine accommodation; at my former visit there was abundant evidence of this around the blocks of stone and heaps of other material adjacent to the new dock. Round houses for crews of ships in dock are placed as described by Fleet Surgeon Coppinger in his report attached; that is within the horns of a little boat-harbour or cove whose waters are entirely removed from the influence of currents. They consist of seats over a part of the shore which is only covered for an hour or two at high water. The filling sluice for the dock is at the head of this cove. It is the duty of the dock-keeper (Mr. Hayes) to run water through the dock every morning when it is occupied; and it is inevitable therefore that it is "washed" with a solution of nightsoil. A new block of water-closets has been recently erected for the use of officers by Mr. Young; they are of the best known pattern. They discharge to the east of the cove, and outside it doubtless, into deep water. Such currents as sweep the Island coast are sluggish and variable. The latrines for the workmen employed at the fitting shops overhang the water on the easterly side of the Island.

4. It has been suggested that in the relative positions of the dock sluice and the men's round-houses may be found an adequate explanation of the illness suffered by certain crews. No doubt, under the present circumstances, if a man suffering from typhoid were to use the round-house, there is every probability of specifically infectious excreta finding their way into the dock in small quantity, and remaining after the flushing water had run off, perhaps in a thin coat especially liable to diffusion through the air by evaporation, or after drying, as dust. But I think it is generally admitted that to communicate typhoid by inhalation the specifically infected vapour or effluvium must be concentrated; and it is not concentrated under these circumstances. On the other hand it is most usual to find drinking water the source of this disease; and I have been at great pains to learn (a) whether crews have had access to other water than that borne in the ships to which they belonged, and (b) if so, whether there is any probability that that water is specifically contaminated.

5. With reference to the first point, I was told by the late engineer of the new dock (Mr. J. B. Mackenzie, C.E.), that he had himself seen the "Diamond's" men drinking from a niche cut in the cliff, just about opposite the western end of the Fitzroy Dock. This niche, by means of tributary channels cut in the face of the cliff, receives water which trickles over the surface at the top, and in all probability from leaks in certain reservoirs immediately above it.

6. Is this water likely to be specifically contaminated? In so far as it is surface water, it is clear that it is most likely to be impure, and very likely to be specifically infected. In so far (if at all—but this is a point I cannot make sure of unless the reservoir should be first emptied), as it flows from the open reservoir it is the same as is used by the residents in the Reformatory; and at all events they have not suffered much from typhoid. In estimating the value of this piece of evidence however (into which I inquire further below) it is to be remembered that the officers of this Institution have lived there many years, and that the inmates are little likely to be susceptible for two reasons. In the first place they are natives of the country, or at all events long resident in it, in large proportion; in accordance with well-known observations therefore they are infinitely less susceptible than are such travellers as the crews of ships; and, secondly, since one attack of typhoid protects largely against further attacks, and since the inmates are drawn from the most destitute part of the population of a place in which typhoid is rife, so that many of them have suffered from it in infancy, they may fairly be regarded as to a great extent protected. I am clearly of opinion that water which does not take ill effect upon many members of a community composed as above described, may yet be markedly poisonous to casual visitors.

7. But has the Reformatory been free from fever? My attention was drawn to this question before I actually made inquiry of the Visiting Surgeon, by the following circumstances:—The new drain from the Reformatory already referred to occupies a similar position to that of the old drain for which it is a substitute. With the spoil from the new dock it was determined to reclaim part of the fore-shore at the north-western end of the Island, and in doing this the end of the old drain got covered and obstructed. Immediately very bad smells began to be perceived from it. Before the reclamation had got far to the east of the drain mouth, five men out of seven or eight employed in driving trucks to the tip, or in tipping, fell ill with typhoid. The prevalent north-east winds moreover blew the effluvium to the cottage occupied by the contractor's foreman, at the west end, and there six cases of typhoid occurred almost simultaneously among the seven inhabitants—one adult and four children of those attacked being persons who had recently come from New Zealand. By the time these persons were convalescent the rubble was cleared away from the old drain and the accumulated filth dug out and spread on the adjacent land; it is said that no disinfectant was used. The smell was abominable; and two of Mr. Stock's family had their recovery interrupted by a relapse of their disease, which may or may not have been due to this cause. In accordance with universally accepted opinions, typhoid can arise in two ways, namely, from newly turning over virgin soil or excavating in certain warm climates, and by specific infection. These patients were exposed to the former cause, which has been observed in operation at some parts of the east coast; but this was not the cause of fever in this instance, because among the large numbers of men employed at this work during several years past, only very few have been known to suffer from typhoid from time to time; and, as they all leave the Island after work every day, to go to their homes in various neighbourhoods in which typhoid is known to be endemic, it seems most likely that these chance cases arose by infection taken elsewhere. The point is, however, in the total number of such cases being extremely few, and the sudden and simultaneous attack of a very large proportion of the total number exposed to the effluvium, is corroborative evidence that the cause was in the latter rather than in the excavation.

8. But fecal matter does not produce typhoid unless it be derived from a person suffering from typhoid. I have no doubt, therefore, without further evidence, that inhabitants of Biloela have more or less recently suffered from that disease. Direct inquiry of the Visiting Surgeon elicited the reply that during the years 1883, 1884, and 1885, no illness had arisen within the institution, all that had been met with having been brought in; but, on obtaining the attached list of cases of illness and of dates of admission to the institution, it appeared that during 1883, at all events, six cases of "fever" occurred, which arose during residence. The Visiting Surgeon further reports with reference to these years that there were cases of "gastric," a mild form of continued fever. Considering that, there being no closet-drains opening within the walls of the institution, the inmates of Biloela are, by their elevated position, removed from the influence of concentrated effluvia from specifically infected excreta, I think that it is, upon the whole, more reasonable to suspect the water-supply of causing these occasional attacks of gastric or mild continued fever than to refer them to any other source. I have been informed, I may add, that typhoid was common among the convicts when this Island was a part of a penal establishment.

9. The water which it is known the "Diamond's" men were in the habit of drinking during their stay in dock, then, is either surface-water, which has percolated through a filthy soil, or is in part derived from tanks which are not protected from similarly contaminated surface-water, and which there is some reason to suspect of poisonous properties; and this water, if but weakly poisonous, would be infinitely more likely to cause disease in casual visitors than among the acclimated and protected population habitually using it. These considerations led me to recommend Captain Musgrave to station a sentry to guard the water niche referred to, and also to prevent his men either from drinking any water other than that he might provide, or even from frequenting the northern side of the dock.

10. Although I think it extremely probable that the simple precaution named above will suffice to protect the crews from typhoid, yet I have no doubt that the Island, in its present state, should be pronounced unhealthy for unacclimated persons at least. In suggesting a remedy for its present dangerous condition it will be convenient to speak separately of the dock and of the Island in general.

11. As for the whole dock premises it appears to me that they should be put under the supervision of an officer of superior standing, whose experience has taught him how docks should be kept, and whose position would enable him to get his necessary orders carried out, and who would make sure that they were regularly enforced. As for the dock itself, the main fault about it is the position of the intake at the head of a little boat-harbour whose waters are polluted by round-houses within its horns. I have been informed that this harbour is of no practical use; if that is the case it is then an unmitigated nuisance. It should be reclaimed, and the intake of the filling-slucice carried out a considerable distance from the shore so formed.

12. As for the Island as a whole, if it is absolutely necessary that large numbers of people should permanently reside there it is equally necessary that it should be drained and properly scavenged. I venture to express the opinion that it is inadvisable to allow more persons to reside upon it than are absolutely necessary for working the dock—the more so that since large numbers of unacclimated strangers are obliged to repair there from time to time with their ships it is necessary it should be kept exceptionally clean. At present while the whole surface is covered and saturated with filth, the total excreta of 120 persons is discharged, not into deep water but at the edge of high water at the north-west end of the shore; the day excreta of about 100 persons are scattered about the south-west corner; the total excreta of a
variable

variable number of men (being crews of vessels in dock) is discharged on the foreshore at the south-east corner; and the day excreta of about 170 men are discharged about the foreshore of the east end of the Island. Setting aside the question which arises whether such an amount of sewage should be discharged into the harbour, it is plain that it is impossible to cleanse the Island while the arrangements described continue in force.

13. The only remedy appears to me to lie in an organised scavenging service. I offer the following suggestions:—Let all discharge of excreta into the harbour from the Island be forbidden; for the present arrangements let pan-closets be substituted, and emptied daily. Let a flat-bottomed barge have permanent moorings at a convenient point and let it be provided with some shelter from the sun. To this take all garbage and cinders; here also collect all excreta from the pan-closets. Let each pan receive before being replaced after emptying a small charge of a solution of sulphate of iron; and when they are emptied on the floor of the barge let the contents be watered immediately and as deposited with dilute sulphuric acid, after which they should be mingled by spading with a sufficient proportion of cinders (ash and breeze together) from the engine furnaces. There would be no effluvium, and the frequency with which the barge should be towed outside the heads for emptying may be left to be fixed after experiment. If this plan were faithfully carried out there would be no smell, and the excreta would also be disinfected to a certain extent. Appliances and a staff would be necessary; there would doubtless be a considerable capital expenditure, but the working expenses would be small.

J. ASHBURTON THOMPSON, M.D.,
Brux., Dipl. Publ. Health, Camb.,
Chief Medical Inspector.

Plan. TABULAR Statement of the results of analysis made by the Government Analyst (Mr. W. M. Hamlet, F.C.S.), of the various waters referred to in the report. The sources are numbered on the plan to correspond with the numbers attached to each analysis in the table.

Description.	Appearance.	Odour.	Grains per gallon.			Parts per million.	
			Solid Residue.	Chlorine.	Nitrogen as Nitrates and Nitrites.	Free Ammonia.	Organic Ammonia.
From Silo having—							
1.—Syphon to No. 3	Clear yellow ...	Very faint ...	6.58	1.4	Traces	None .....	.32
2.—From Open Tank No. 2	Green turbid...	Offensive.....	29.8	7.2	None .....	.26	.7
3.—From Open Tank No. 3	Slightly turbid	Slight organic	17.0	4.5	None .....	.04	.42
4.—From Underground Tank No. 4....	Clear yellow...	Very faint ...	14.14	4.0	Traces .....	.04	.4
5.—From niche in rock marked 5 ...	Clear	Slight organic	18.13	7.0	None .....	.16	.32

NOTE.—The fifth water is unfit for human consumption, although in the opinion of the Government Analyst it might by aeration and filtration be rendered potable. But regarding the pollution of the soil over and through which it flows, I consider that filtration as ordinarily carried out could not be trusted to remove the specific poison it is, I believe, shown by experiment, to contain. The water must be regarded as drainage or mild sewage, and the niche which renders it accessible to man should be destroyed.—J.A.T.

Rear-Admiral Tryon to His Excellency Lord Carrington.

My Lord,

H.M.S. "Nelson," Sydney, 22 March, 1887.

On the 22nd August, 1886, I had the honor to address your Excellency on the subject of the insanitary condition of the dock at Cockatoo Island, and I deeply regret to be compelled to trouble your Excellency again on the same subject.

2. The health of the crew of H.M.S. "Swinger" has been uniformly good since she has been on the station till now, with the solitary exception of an outbreak of diarrhœa, which occurred in April, 1886, when the ship was lying at Cockatoo Dock.

3. The vessel has recently been docked, and the health of the ship's company has suffered to a most serious extent, owing clearly to the insanitary state of the dock. No fewer than twelve men were sent to hospital seriously ill, of whom three men have died in the prime of life, and a good many others, including officers, have suffered, in addition to the above, to a less extent.

4. Without question this sad condition is distinctly connected with preventible causes such as exist at Cockatoo Dock (these causes are patent to any visitor), viz., with the persistent disregard of ordinary sanitary precautions.

5. I desired a preliminary inquiry, for my information, to be held. I enclose a copy of the report and of the recommendations made by Captain Musgrave; they are in the main but a repetition of what has been previously recommended by highly qualified medical and other authorities, and it includes the steps that were found necessary at another port where the sanitary condition was unfavourable. These recommendations are entirely endorsed by the Fleet Surgeon of my flagship.

6. I feel confident your Excellency will concur in the great importance of the question involved. If a good sanitary condition is not maintained on Cockatoo Island the use of the old, as well as of the new, dock will be avoided in favour of docks elsewhere that do not subject the crews of vessels to such risks as are now patently incurred by those using the dock referred to.

7. The proposal may be easily effected at a very small cost, and a visit to the Island will convince anyone of the necessity of taking immediate steps to improve the existing state of affairs.

I have, &c.,

G. TRYON,

Rear-Admiral.

Will the Colonial Secretary be so good as to take this matter into consideration as soon as he possibly can.—CARRINGTON, 26/3/87. The Secretary for Works.—H.P., 26/4/87.

Dr.

Dr. Evans to The Medical Adviser to the Government.

Dear Sir,

"Cromwell," Darling-street East, Balmain, 23 March, 1886.

I will wait at home from 2 p.m., Wednesday, 24th, until 3.30, to see you. I got about too soon after the fall I had and got a relapse. I am right now, but weak, still able to attend to my duties.

I will be happy to give you any information I possess about the Island.

Yours, &c.,

OWEN SPENCER EVANS.

Rear-Admiral Tryon to His Excellency Lord Carrington.

My Lord,

H.M.S. "Nelson," Sydney, 25 March, 1886.

Your Excellency's letter of the 24th instant crossed one from myself on the subject of the outbreak of fever on board H.M.S. "Diamond." I am happy to say that I have very favourable reports of the patients. It is unquestionable that the fever originated in Sydney.

2. Your Excellency may be assured that I will not fail to communicate any point of general interest.

3. In the case of the "Diamond" there were two cases of pronounced typhoid, and twenty-four of simple continued fever.

I have, &c.,

G. TRYON,

Rear-Admiral and Commander-in-Chief.

The Colonial Treasurer.—CARRINGTON, 27/3/86. The Medical Adviser to the Government.—C.W., B.C., 27 April, 1886.

The Secretary of the Board of Health to The Principal Under Secretary.

Sir,

Board of Health Office,

127, Macquarie-street, Sydney, 22 April, 1887.

I have the honor to inform you that the enclosed report upon the present insanitary condition of Cockatoo Island, by the Chief Medical Inspector of this Board (Dr. Ashburton Thompson), was taken into consideration at the Board's meeting on the 20th instant, when the following resolution was passed:—

That this report be forwarded to the Honorable the Colonial Secretary for transmission to the Honorable the Secretary for Public Works, with a recommendation that Dr. Ashburton Thompson's suggestions should be promptly carried into effect.

I have, &c.,

EDMUND SAGER,

Secretary.

The Secretary for Public Works.—H.P., 26/4/87.

Rear-Admiral Tryon to His Excellency Lord Carrington.

My Lord,

H.M.S. "Nelson," Sydney, 24 April, 1886.

In continuation of previous correspondence on the subject of the outbreak of fever on board H.M. ship "Diamond," detailed information has been obtained that there is some evidence of the fever having originated at Cockatoo Dock. The points referred to are briefly as follows:—

1. The ship was in dock from the 23rd of January to 16th of February, 1886.

2. There had been no fever cases on board during previous nine months.

3. The first case occurred eighteen days after entering dock.

4. Two of the men attacked had not been on leave while the ship was in Sydney Harbour.

5. The last case—one of typhoid—occurred sixteen days after leaving Cockatoo Island, and therefore within the incubation period.

I have, &c.,

G. TRYON,

Rear-Admiral and Commander-in-Chief.

Colonial Secretary.—CARRINGTON, 25/4/86. The Medical Adviser.—C.W., B.C., 4/5/86.

Rear-Admiral Fairfax to His Excellency Lord Carrington.

My Lord,

"Nelson," at Sydney, 30 April, 1887.

Having in view the serious nature of the sickness from which the crew of H.M.S. "Swinger" suffered when recently placed in the Fitzroy Dock at Cockatoo Island, when three men lost their lives, and a number of others suffered very seriously from fever, it is a matter of very great importance that the crew of the "Tyne," about to be placed in the same dock, should, if practicable, be removed from the risk of contracting any similar sickness.

I should therefore esteem it as a favour if your Excellency's Government would be so kind as to allow the crew of H.M.S. "Tyne" to live on board the "Wolverene" for the time, and place the "Wolverene" at my disposal for the purpose, if she can be spared.

I have, &c.,

H. FAIRFAX,

Rear-Admiral and Commander-in-Chief.

The Hon. the Colonial Secretary.—CARRINGTON, 1/5/87. Submitted.—C.W., 2/5/87.

Minute by The Colonial Secretary.

ARE there any particulars of the cause of the illness of the men of the "Swinger"; and, again, can the men of the "Tyne" be removed to the "Wolverene" without serious disturbance to existing arrangements?
H.P., 9/5/87.

Kindly return papers. The Under Secretary for Public Works, B.C., 11/5/87.—C.W. Harbours and Rivers, B.C., 12/5/87.—J.R.

Minute by The Engineer-in-Chief for Harbours and Rivers.

PAPERS herewith. I may mention that so far as my branch is concerned, the state of things complained of is already to a great extent remedied, and a party of men are now engaged in removing the ashes and generally clearing up the dock, but this has been principally due to the action of the Board, which had been previously appointed at my instance, to deal with the management of the dock generally. As soon as the new dock is completed, the whole question of management will have to be revised. In the present transition state of affairs, it is impossible to make things as complete and satisfactory as one could wish.
The Under Secretary for Public Works. E.O.M., 16/5/87.

Submitted.—J.R., 16/5/87. Return to Chief Secretary.—J.S., 19/5/87.

Will the Under Secretary of Public Instruction kindly favour me with an answer to the latter portion of the Colonial Secretary's minute?—C.W., 10/5/87.

Minute by The Under Secretary for Public Instruction.

I do not see any objection to the temporary occupation of the "Wolverene" by the crew of the "Tyne" while the latter vessel is in dock at Cockatoo. There are no "Vernon" boys on board the "Wolverene," which is in charge of Mr. Walker, assisted by two or three men.
The Principal Under Secretary, B.C. G.M., 10/5/87.

Minute by The Principal Under Secretary.

THERE does not appear to be any objection to the removal of the crew of the "Tyne" to the "Wolverene." The report of the medical officer regarding the insanitary condition of Cockatoo Island is herewith submitted, but the Engineer-in-Chief for Harbours and Rivers, who returned the papers on Saturday, states in his memo. that many of the evils complained of have been remedied.

The papers might now be sent on to the naval authorities.

C.W., 23/5/87.

His Excellency.—H.P., 25/5/87. His Excellency the Admiral.—CARRINGTON, 25/5/87.

Minute by The Under Secretary for Public Instruction.

THE within papers relating to the question of the use of the "Wolverene" by the men of the "Tyne" were sent to me this morning by the Principal Under Secretary, in order that the approval of the Minister of Public Instruction to my memo. of the 10th instant might be obtained.

The Minister will doubtless recollect that I showed him what I had written in reply to Mr. Walker's memo., and that he then verbally approved of it.

G.M., 25/5/87.

Mr. Miller's memo. of 10th instant approved.—J.J., 25/5/87.

Rear-Admiral Fairfax to His Excellency Lord Carrington.

My Lord,

H.M.S. "Nelson," at Sydney, 10 July, 1887.

In returning to your Excellency the papers on the insanitary condition of Fitzroy Dock and Cockatoo Island, I beg to enclose some further remarks made, after investigation, by the fleet surgeon of my flagship, as well as a letter from Captain Clayton, expressing his concurrence in them, and making suggestions which, as the "Diamond" has recently been in dock for eight days, are the result of personal observation and experience.

Much has been done since representation was made by my predecessor on 22 March, 1887, of the fatal results on board "Swinger" of fever contracted while in dock, but it will be seen that recommendations made then have not yet been fully carried out, and that further improvement is necessary.

I hope your Excellency will urge the completion of the work well commenced. Stronger reasons than those already given by my predecessor cannot be adduced.

I have, &c.,

H. FAIRFAX,
Rear-Admiral and Commander-in-Chief.

[Enclosure.]

Sir,

H.M.S. "Nelson," Sydney, 6 June, 1887.

In compliance with your order of 31 May, 1887, I have to report that having investigated the sanitary condition of Cockatoo Island and dock, I have to submit the following observations:—

1. Bearing in mind the fact that the cool season is now fully established, and that decided improvements have been effected in the sanitary condition of the dock and its immediate surroundings (although the recommendations embodied in Admiral Tryon's communication of the 22nd March, 1887, have not as yet been fully carried out), I am of opinion that there at present

present exists no necessity for the hulking of the crew of H.M.S. "Tyne," or any vessels similarly circumstanced, on board the "Wolverene," from the further information which I have acquired during this last examination of the dock and its surroundings. I would venture to suggest that, in addition to the recommendations made in the Commander-in-Chief's letter above referred to, it would be well that an early opportunity be taken to have the interior of the dock thoroughly cleansed under reliable supervision by scrubbing and scraping, and that it be then washed with a solution of sulphate of iron or common whitewash. I would also suggest that before any of our vessels be docked during the summer months it would be well to have the dock re-examined with a view to ascertaining whether all the desired improvements have been carried out in their entirety.

I will now proceed to give in some detail the considerations upon which these opinions are based :—

2. I find that since my last visit in March, 1886, a considerable change for the better has taken place :
 - (a.) Great quantities of rubbish of various sorts with which the ground in the vicinity of the dock was then strewn have recently been removed, leaving a comparatively clean surface.
 - (b.) The latrine for the use of the men belonging to ships in dock, which used to occupy an objectionable position in the boat harbour, and its dangerous proximity to the inlet culvert of the dock, has been demolished, and a new one has been erected on the main south coast line of the island, altogether outside the boat harbour ; while, moreover, this new one is so constructed that the staging on which it rests projects some yards from the beach, thus ensuring a discharge of its contents into deep water at a place where the current of the river makes a clean sweep along the coast. Mr. Young, the engineer superintending the construction of the new dock, whom I interviewed in connection with these matters, informs me that although at present the latrine discharges directly into the sea, he is engaged in designing an iron receptacle which will be fitted below the latrine shoot, and will be used to store the contents until they can be transferred to a punt, which will be made to attend periodically for this purpose.
 - (c.) With regard to the arrangements for the disposal of general refuse, such as ashes, kitchen stuff, &c., a wooden jetty a few yards long has been constructed near the new latrine above mentioned, and it is intended that all such refuse be cast into deep water from the extremity of this jetty. It is to be observed that this jetty is not sufficiently long to fulfil the purpose for which it is intended, for happening to visit the place about the time of low water, I saw that the extremity overhung the shingle of the foreshoot instead of deep water, and there was then, in fact, a collection of objectionable matter lying on the bare stones, and exposed to the direct rays of the sun. This method of disposing of ships' refuse has recently been employed in the case of the "Tyne." I understand that before long a dirt boat will attend at the jetty as well as at the latrine.
 - (d.) There does not appear as yet to be any one person entirely responsible for all sanitary matters on the Island, but Mr. Hayes tells me that he holds himself responsible for all such matters in the vicinity of the dock. As an instance of this, I may mention that on visiting the north side of the Island I ascertained that the main sewer of the Biloela establishment on the hilltop, which ought here to discharge into the sea, is still in the defective condition referred to by Dr. Thompson, the Sanitary Inspector, in his report of 8th March, 1887, and on inquiring if any steps were being taken to remedy this defect, I was told that this sewer, as part of the Biloela establishment, came under the Education Department, and that therefore the Harbours and Rivers Department, which was responsible for the docks alone, could take no action in the matter. As, however, the Biloela establishment is at present vacant, it is not a matter of very great moment, but before the building is again inhabited this affair should be seen to.

3. H.M.S. "Tyne" was in dock from 4 May to 3 June, and has hitherto enjoyed a complete immunity from fever of any kind. It is to be borne in mind, however, that the fevers which have been recorded on board H.M. ships during the last few years, consequent on docking at Cockatoo Island, have occurred during the hot and dry summer months, so that even should that vessel remain free from such illness for three weeks (the maximum incubation period for typhoid) subsequent to her removal from the dock, no guarantee will be thereby afforded that the source of infection has ceased to exist.

4. I observe that in the Report of the Sanitary Inspector dated 8th March, 1887, the opinion is expressed that the fever which occurred among the crew of H.M.S. "Diamond," in March, 1886, was most probably due to the consumption of surface water, taken from a "wayside pool" in the vicinity of the dock, and this statement appears to be based upon the fact that the late engineer of the new dock (a Mr. Mackenzie, who is now up the country) informed him that he had himself seen the men of the "Diamond" drinking water from this pool. I think it right to mention that the possibility of typhoid having been contracted in this way, viz., by the direct ingestion of sewage contaminated water, was fully considered by the medical officers of H.M. ships whose men suffered from this fever during the last two years, and that it was only after finding the evidence on this point so strong as to completely negative all possibility of the fever having been thus contracted that their attention was directed towards ascertaining how it could have been contracted by the more unusual method, viz., by exhalations from decomposing organic matter. On this subject the medical officers of H.M. ships "Myrmidon" and "Diamond," whose men suffered more or less severely from the influence of docking at Cockatoo Island, state that they had in vain sought for any evidence of their men having consumed any of this sewage water, and that in case of the men who were attacked with fever they were convinced that no such water had been used. The men of the "Myrmidon" and "Diamond," used only water from their ships' tanks, while the men of the "Swinger" used water from a tank at the south-west corner of the carpenter's shed—a tank which is supplied only by rain water from the roof of that shed and has no connection whatever with the surface water trickling from the cliff below the Biloela establishment which Dr. Thompson evidently refers to in his report. I may add that the practice just mentioned on the part of the "Swinger's" crew is not, in my opinion, one to be commended. In my report of 19 March, 1886, I called attention to the water supply from the cliff, and its presumably contaminated source, with a view to showing its unfitness for human consumption, a fact which is so patent to any observer that I can hardly conceive the circumstances occurring under which any man-of-war's man could be tempted to use it. Mr. Hayes, the dock master, informs me that he has never seen any man-of-war's man take water from the niche or horse-trough on the north side of the head of the dock which Dr. Thompson refers to, and he further states that it is unusual for any water to be found in this place during the dry summer months, when the ships whose crews suffered from the fever have been docked. As, however, the question has been raised, I have requested Mr. Hayes to have a notice posted up over the trough to the effect that the water is unfit for drinking purposes.

5. I have already mentioned that the latrine near the inlet culvert of the dock has been demolished. This measure prevents any further pollution of the boats' cove, and is to my mind a most important step towards improving the sanitary condition of the dock ; but it is right to point out that the accumulation of filth which has been going on in this stagnant pool for years will not, in the ordinary course of things, speedily be dissipated, and it is greatly to be regretted that the authorities cannot see their way to provide for the filling of the dock from some other source. The Engineer (Mr. Young) informs me that the boat's cove must remain, but says that his Department are willing to entertain some scheme for dredging the pool. Better far would it be to close up this culvert altogether, and construct a filling sluice in the body of the iron caisson at the entrance to the dock.

6. Among the papers submitted to me on this subject reference is made to a report by a Harbours and Rivers Department Board, which, however, I have not had the advantage of seeing.

I have, &c.,

R. W. COPPINGER, M.D.,
Fleet Surgeon.

Captain Atwell Lake, H.M.S. "Nelson."

Forwarded for the information of the Commander-in-Chief.—ATWELL LAKE, Captain, 6 June, 1887.

Captain Clayton to Rear-Admiral Fairfax.

Sir,

"Diamond," at Sydney, 2 July, 1887.

In accordance with paragraph 3 of your memo. of 15 June, 1887, I beg to add the following for further improvements in Fitzroy Dock :—

1. The stone-work of the sides and bottom is worn into holes, holding dirt and slimy matter which cannot be removed by washing down. I would suggest that these holes be filled in flush with cement, and that the joints of the masonry be repointed.

2. To prevent the surface water running over or draining into the dock concrete is much required to form the roadway alongside the dock, with suitable channels for the surface water to run off.

3. The outlet from the officer's latrine should be carried below low-water-mark. I fully concur in all the report made by Dr. Coppinger. There is a great improvement generally in the sanitary state of the dock premises since I was last here, but the present staff of labourers (three in number) is not sufficient to keep the dock and adjacent premises clean.

I have, &c.,
FRANCIS S. CLAYTON,
Captain.

This may perhaps be referred to the Medical Adviser.—C.W., 18/7/87. Approved.—H.P., 18/7/87. The Medical Adviser to the Government.—C.W., B.C., 19 July, 1887. Papers considered at meetings of the Board of Health held on the 27th July and 3rd August, 1887. Resolution passed.—E.S.

The Secretary of the Board of Health to The Principal Under Secretary.

Board of Health Office, 127 Macquarie-street,

Sir,

Sydney, 4 August, 1887.

I have the honor to inform you that the enclosed papers relating to the insanitary condition of Cockatoo Island were taken into consideration at a meeting of the Board of Health held yesterday, when it was resolved that the following should be a recommendation to the Honorable the Colonial Secretary:—

That in order to render the Fitzroy Dock innocuous to the crews of vessels lying in it, it is necessary that one responsible officer should be placed in control, and made answerable for general cleanliness of the dock and its surroundings; that the boat harbour which has not been shown to be necessary should be reclaimed; that the round-house within its horns should be removed; and that the filling sluice should be so constructed as to take in pure water only.

That it is necessary both in order to render the Island healthy, and as being supplementary to the foregoing, that the officer referred to should be made responsible for the general scavenging and cleanliness of the Island; that a properly constructed system of sewers should be laid down to carry slop water only, and having an outfall into deep water and the steadiest current within reach; that a scavenging service should be organized and all faecal matter, house refuse, sweepings, &c., should be destroyed by fire, and that the present water-tanks should be emptied and examined to see whether they are, or can be made, water-tight, and effectually protected from inflow of surface water; and if not, that arrangements for condensing water in sufficient quantity should be made; and that such condensed water should be stored in overground tanks only.

I have, &c.,
EDMUND SAGER,
Secretary.

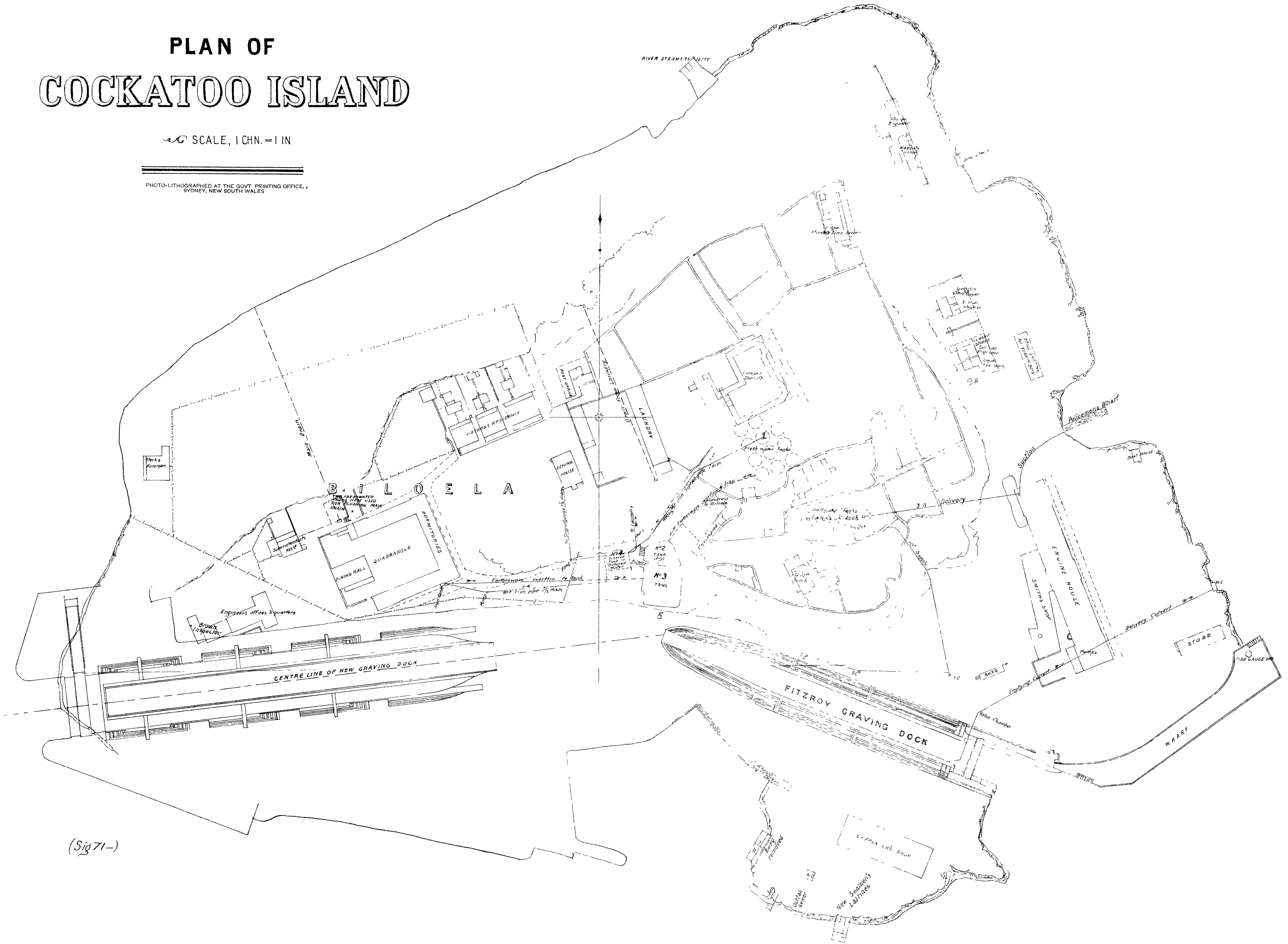
This is a matter in which the attention of the Works Department should be invited.—C.W. The Secretary for Public Works.—H.P., 6/8/87. The Under Secretary for Public Works.—C.W., B.C., 8 August, 1887. Harbours and Rivers, B.C., 9/8/87.—J.R.

[Plan.]

PLAN OF COCKATOO ISLAND

SCALE, 1 CHN. = 1 IN

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES



(Sig 71-)

1887-8.

NEW SOUTH WALES.

CORPORATION OF THE CITY OF SYDNEY.

(STATEMENT OF RECEIPTS AND EXPENDITURE FOR THE YEARS 1885, 1886, AND 1887 RESPECTIVELY.)

Presented to Parliament, pursuant to Act 43 Vic. No. 3, sec. 220.

STATEMENT of the Receipts and Expenditure of the Corporation of the City of Sydney, for the years ending 31st December, 1885, 1886, and 1887.

1885.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of SYDNEY, on account of the CITY FUND, for the year ending 31st December, 1885.
 Incorporated by Act of Colonial Legislature, 43 Vic, No. 3.

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RECEIPTS			DISBURSEMENTS			
	REVENUE	TOTAL AMOUNT		SALARIES	CONTINGENCIES	TOTAL AMOUNT
	£ s d	£ s d		£ s d	£ s d	£ s d.
City Rate, raised by assessment under the authority of the Act of Council, 43 Vic, No 3	137,211 0 7		Office of Mayor	1,000 0 0		
Watering Street Rate, year 1883, raised by assessment under the authority of the Act of Council, 18 Vic, No 30	31 14 2		" Town Clerk and Department	840 10 4		
Acts and Times—Building Licences	1,983 16 6		" City Treasurer and Department	765 17 0		
By laws	2,059 1 0		" City Engineer and Surveyor and Department	2,728 0 11		
Hoarding Licenses, &c	115 3 6		" Inspector of Nuisances	1,470 16 8		
Rents and Dues from Markets, George street	10,814 9 6		" City Architect	1,256 6 9		
" Belmore	996 10 6		" Health Officer	450 0 0		
" Eastern Fish	2,049 8 1		" Clerk of Markets	250 0 0		
" Belmore Park	360 0 0		" City Solicitor	225 0 0		
Porters Licenses	18 15 0		" Messenger and Office keeper	20 7 0		9,220 3 8
Rent of Randwick Toll gate	1,061 9 0		City Improvements—Wages —		38,002 7 4	
City Wharves	2,363 10 0		Scavenging Department		8,321 8 11	
Public Baths	636 0 0		Street watering, year 1885		1,623 10 5	
Exhibition Building	528 10 0		General Establishment and sundries		23,129 16 7	71,077 3 3
Town Hall Offices	1,200 0 0		General Works			
Vestibule	254 1 6		City Improvements—Metal —			
Cleaning earth closets	1,054 13 0		Pennant Hills		5,230 0 0	
Paving rate	4,721 8 8		Kilnara		17,447 15 6	22,677 15 6
City endowment	18,700 0 0		City Improvements—Street Works —			
Land lease	450 10 0		Kerb and guttering, &c, under contract		12,429 19 11	
Auctioneers' Licenses	2,346 14 8		Turf paving, under contract		2,440 9 6	
Sale yard dues	1,010 4 8		Laying, ballasting, and metalling, under contract		4,391 18 1	
Bailiffs costs	385 9 1		Cube sett paving and flagging, under contract		14,474 18 1	
Repayment of works and sale of stores	2,767 6 4		Sundries for general works		18,815 9 8	52,552 15 3
Sale of street sweepings	105 7 6		Expenses of City markets		2,818 5 10	
Removal of rubbish	192 8 0		Interest expenses		8,464 18 0	
Refuel, rent, and sundries	346 3 6		Street watering material		2,337 19 3	
Repayment from cattle sale yards	7,500 0 0		Town Hall expenses		5,218 9 3	
Supervision of night carts	56 0 0		Printing, stationery, advertising, furniture, stamps, cab hire, &c		2,006 15 10	
Interest account	4,500 0 0	205,869 14 9	Auctioneers' licenses, insurances, &c		139 6 10	
			Government leases, &c		157 2 3	
			Bunnerong Road Trust		141 4 4	
			Exhibition Building expenses		125 3 9	
			Compensation, &c		2,951 6 1	
			Gratuities, &c		661 10 0	
			Lighting expenses		11,231 18 10	
			Salaries of Auditors		80 0 0	
			Fire Brigade Board		1,598 18 4	
			Law expenses		124 5 6	
			Street Loans Sinking Fund		6,000 0 0	
			Town Hall Loan Sinking Fund		2,250 0 0	46,337 4 1
			Balance due to Union Bank, 31st December, 1884		19,926 15 9	
			" " 31st December, 1885		15,922 2 9	
						4,004 13 0
		£ 205,869 14 9				£ 205,869 14 9

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ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the WATER FUND, for the Year ending 31st December, 1885.

Incorporated by Act of the Colonial Legislature, 43 Vic. No. 3.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL AMOUNT.		SALARIES.	CONTINGENCIES.	TOTAL AMOUNT.		
	£	s. d.	£	s. d.				£	s. d.
Water supplied to houses	57,108	18 6	86,817	16 11	Salaries of Officers...	4,822	16 8	79,352	2 7
Do by meter	19,962	18 1			Interest expenses	6,961	11 0		
Do by contract.....	3,752	9 6			Office expenses and rent	2,137	17 4		
Rent of fountain	69	4 6			Incidental expenses	409	19 7		
Plumbers' licenses and accounts	745	1 6			Botany works—				
Sale of stores and repayment of works, &c.	1,549	9 3			Wages	6,224	1 5		
Rents	40	16 0			Coal	4,877	17 0		
Premium and interest	3,588	19 7			Machinery.....	1,113	16 4		
					General Works—				
					Wages	20,032	5 2		
			Castings and pipes	27,381	9 5				
			Coal and repairs	6,539	9 1				
			Sir D. Cooper's claim, &c.....	3,673	16 3				
			Balance due by Union Bank, 31st December, 1885	9,492	8 4				
			Balance due by Union Bank, 31st December, 1884	6,849	10 8				
						2,642	17 8		
			£			86,817	16 11		

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES, City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the SEWERAGE FUND, for the Year ending 31st December, 1885.

Incorporated by Act of the Colonial Legislature, 43 Vic. No. 3.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.			
	£	s. d.	£	s. d.			£	s. d.	
Rate for year 1885	25,770	2 10	27,767	1 6	Interest expenses	17,332	15 0	39,382	15 1
Suburban sewerage rates	6	7 4			Office expenses and rent.....	1,068	18 7		
Miscellaneous receipts	246	16 9			Incidental expenses	1,559	10 10		
Premium and interest	1,743	14 7			General works—				
					Wages	13,130	13 8		
Balance due to Union Bank, 31st December, 1885.....	12,355	4 9	Sundries.....	4,528	19 3				
Balance due to Union Bank, 31st December, 1884.....	739	11 2	Salaries of officers	1,761	17 9				
			£					£	

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES, City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the SYDNEY COMMON, for the Year ending 31st December, 1885.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.			
	£	s. d.	£	s. d.			£	s. d.	
Sale of land	1,113	13 9	1,755	4 9	Interest expenses	600	0 0	2,022	5 7
Miscellaneous receipts	53	13 0			General works.....	1,421	8 9		
Interest account	587	18 0			Incidental expenses	0	16 10		
Balance due by Union Bank, 31st December, 1884.....	5,349	1 3			Fixed deposit			1,000	0 0
Balance due by Union Bank, 31st December, 1885.....	4,082	0 5							
			£					£	

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES, City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the CATTLE SALE-YARDS, for the Year ending 31st December, 1885.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Revenue by dues—Homebush.....	7,742 5 10		Salaries of officers	737 16 6	
Do Sydney	483 16 1		Incidental expenses	117 17 10	
Miscellaneous receipts.....	206 15 6		Interest expenses	3,600 0 0	
Interest account	467 13 0		General works	153 5 1	
		8,900 10 5	Sinking Fund—Years 1882, 1883, 1884, 1885.....	10,000 0 0	
Fixed deposit—matured.....		4,000 0 0			14,608 19 5
Balance due by Union Bank, 31st December, 1884	4,068 8 5				
Balance due by Union Bank, 31st December, 1885	2,359 19 5				
		1,708 9 0			
		£ 14,608 19 5			£14,608 19 5

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the TOWN HALL LOAN FUND, for the Year ending 31st December, 1885.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Interest account	468 6 0		Salaries of officers	722 18 0	
City Fund.....	1,200 0 0		Interest expenses	2,438 4 0	
Sale of bills of quantities	15 15 0		Incidental expenses	623 14 4	
		1,684 1 0	General works	11,941 10 0	
Balance due by Union Bank, 31st December, 1884	8,750 10 0				15,726 6 4
Balance due to Union Bank, 31st December, 1885	5,291 15 4				
		14,042 5 4			
		£ 15,726 6 4			£ 15,726 6 4

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the STREETS LOAN FUND, for the Year ending 31st December, 1885.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Premium and Interest.....	15,129 9 10		Interest Account	15,234 18 0	
Fixed deposit—matured.....	50,000 0 0		Incidental expenses	2,180 13 9	
		65,129 9 10	General works—Wages.....	2,698 17 10	
Balance due by Union Bank, 31st December, 1884	85,014 4 3		Do Cubes, ce- ment, &c.....	47,354 8 4	
Balance due by Union Bank, 31st December, 1885	53,354 1 8		Do Crossings ...	136 0 0	
		31,660 2 7	Do Streets	29,184 14 6	
		£ 96,789 12 5			96,789 12 5
					£ 96,789 12 5

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES,
City Treasurer.

LIABILITIES of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, 31st December, 1885.

CITY FUND ACCOUNT.		£	s	d.	£	s	d.	£	s	d.
Debentures outstanding...		100,000	0	0						
Amount due to Union Bank ...		15,922	2	9						
					115,922	2	9			
Less amount due by Sewerage Fund		75,000	0	0						
Less amount due by Colonial Government		6,250	0	0				81,250	0	0
										34,672 2 9
WATER FUND ACCOUNT.										
Debentures outstanding					111,000	0	0			
Less amount due by Union Bank		9,492	8	4						
Less amount due by fixed deposit		50,000	0	0				59,492	8	4
										51,507 11 8
SEWFRAGE FUND ACCOUNT										
Debentures outstanding					195,000	0	0			
City Fund Account					75,000	0	0			
Union Bank					12,355	4	9			
										282,355 4 9
SYDNEY COMMON FUND ACCOUNT.										
Debentures outstanding					10,000	0	0			
Less amount due by Union Bank		4,082	0	5						
Less amount due by fixed deposit		5,000	0	0				9,082	0	5
										917 19 7
CATTLE SALE YARDS FUND ACCOUNT.										
Debentures outstanding					60,000	0	0			
Less amount due by Union Bank					2,359	19	5			
										57,640 0 7
TOWN HALL LOAN FUND ACCOUNT.										
Debentures outstanding					40,000	0	0			
Union Bank					5,291	15	4			
										45,291 15 4
STREETS LOAN FUND ACCOUNT.										
Debentures outstanding					200,000	0	0			
Less amount due by Union Bank		53,354	1	8						
Less amount due by fixed deposit		50,000	0	0				103,354	1	8
										96,645 18 4
										£ 569,030 13 0
SINKING FUNDS—Cattle Sale Yards—Amount to credit at Union Bank, £4,675 14s. 7d Invested, £5,900					10,575	14	7			
Do	Town Hall Loan—Amount to credit at Union Bank, £3,415 14s. 2d. Invested, £12,400				15,815	14	2			
Do	Streets Loan—Amount to credit at Union Bank, £481 14s. 9d. Invested, £3,800. Fixed deposit, £8,000				12,281	14	9			
										£38,673 3 6

City Treasurer's Office, Sydney, 31st January, 1886.

C. H. LINES,
City Treasurer.

1886.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of SYDNEY, on account of the CITY FUND, for the year ending 31st December, 1886

Incorporated by Act of Colonial Legislature, 43 Vic, No 3

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RECEIPTS			DISBURSEMENTS				
	REVENUE	TOTAL AMOUNT		SALARIES	CONTRIBUTORIES	TOTAL AMOUNT	
	£ s d	£ s d		£ s d	£ s d	£ s d	
City Rate, raised by assessment under the authority of the Act of Council, 43 Vic, No 3	1,282 4 1		Office of Mayor	1,000 0 0			
Watering Street Rate, year 1883, raised by assessment under the authority of the Act of Council, 18 Vic, No 30	9 0 10		Town Clerk and Department	81 7 8			
Fees and Fines—Building Acts	2,514 6 6		City Treasurer and Department	768 1 6			
By laws	2,033 19 6		City Engineer and Surveyor and Department	171 8 4			
Hoarding licenses, &c	133 15 0		Inspector of Nuisances and Department	1,300 0 0			
Rent and Dues from Markets—George street	8,554 19 6		City Architect and Department	1,123 3 4			
Belmore	5,196 1 0		Health Officer	430 0 0			
Eastern Fish	2,508 15 2		Clerk of Markets	230 0 0			
Belmore Park	210 0 0		City Solicitor	223 0 0			
Rent of Randwick Toll gate	1,300 0 0		Messengers and Office keepers	227 15 9		9,546 16 7	
City Wharves	2,044 10 0		City Improvements—Wages —				
Public Baths	536 0 0		Inspector of Nuisances Department		49 019 3 11		
Prohibition Buildings	1,131 0 0		Street waterworks		6 626 16 5		
Town Hall Offices	1,200 0 0		General Establishment and sundries		2,312 8 11		
Vestibule	212 8 6		General Works		21 651 13 7	72,810 2 10	
Cleansing earth closets	951 14 8		City Improvements—Metal —				
Paving rate	3,377 13 9		Pavement Mills		6 306 10 5		
City endowment	18,750 0 0		Arms		14,260 14 2	20,567 4 7	
Land lease	450 10 0		City Improvements—Street Works —				
Auctioneers' licenses	1,275 19 2		Kerb guttering, flagging, &c, under contract		16 970 12 1		
Porters' licenses and sundries	205 0 6		Tar paving, under contract		2 647 10 2		
Sale yard dues	1,393 2 2		Forming, ballasting, and metalling, under contract		6 177 0 0		
Bailiffs costs	283 11 0		Curb setting, under contract		4,489 7 7		
Repairment of works and sale of stores	70 12 10		Sundries for general works		23 138 10 7	53,403 0 5	
Sale of street sweepings and manure	166 19 7		Expenses of City Markets		3 182 19 7		
Removal of rubbish	196 5 4		Interest expenses		7 454 17 0		
Supervision of night carts	16 0 0		Street waterworks material		1 649 10 0		
Interest Account	4 500 0 0	192 25 12 1	Town Hall expenses		2 664 9 6		
Balance due to Union Bank 31st December, 1886	23 824 19 0		Interest on Town Hall Loan Debentures		3 315 0 0		
Balance due to Union Bank, 31st December, 1885	15 922 2 9	7 907 16 3	Printing, stationery, advertising, stamps, cab hire, &c		2,322 10 8		
			Bunnerong Road Trust		1 5 0 11		
			Prohibition Building expenses		270 13 5		
			Government leases insurance, &c		149 4 4		
			Uniforms, assessing, disinfectants, photographic views, reporting, &c		784 11 3		
			Salaries of Auditors		80 0 0		
			Lighting expenses		11,624 16 11		
			Fire Brigades Board		1,719 8 8		
			Rent and repair of Baths		2 7 14 6		
			Law expenses		64 3 0		
			Jubilee Celebration		216 4 2		
			Streets Loan Sinking Fund		6 000 0 0		
			Town Hall Loan Sinking Fund		2 250 0 0		
						44,161 3 11	
						£ 200,488 8 4	

Sydney, 31st January, 1887

JOSIE CARROLL, } City Auditors.
 GEORGE CHRISTIE, }

C. H. LINES,
 City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the STREETS LOAN FUND, for the Year ending 31st December, 1886.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL AMOUNT.			CONTINGENCIES.		TOTAL AMOUNT.	
	£	s. d.	£	s. d.		£	s. d.		£
Miscellaneous Receipts	30	15 0	3,619	17 6	Incidental expenses	144	18 2	77,418	11 11
Interest Account	3,539	2 6			50,000	0 0	Interest expenses .....			10,000	0 0
Fixed deposit					General works—				
Balance due by Union Bank, 31st December, 1885	53,354	1 8			Wages	3,179	5 2		
Balance due by Union Bank, 31st December, 1886	29,555	7 3			Cubes	30,603	19 1		
			23,798	14 5	Cement, pitch, &c.	10,376	8 1		
					Streets	23,114	1 5		
			£	77,418				£	77,418

Sydney, 31st January, 1887.

JOSEPH CARROLL,
GEORGE CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the WATER FUND, for the Year ending 31st December, 1886.

Incorporated by Act of the Colonial Legislature, 43 Victoria, No. 3.

RECEIPTS.			DISBURSEMENTS.								
	REVENUE.		TOTAL AMOUNT.			SALARIES.		CONTINGENCIES.		TOTAL AMOUNT.	
	£	s. d.	£	s. d.		£	s. d.	£	s. d.		£	s. d.
Water supplied to houses	51,674	19 1	85,337	13 1	Salaries of officers ...	4,933	17 11			4,933	17 11
Do by meter	13,986	14 7					Interest expenses	6,460	0 0		
Do by contract	14,036	12 7			Office expenses and rent	2,411	14 5				
Rent of fountain	63	18 0			Incidental expenses	154	17 6				
Plumbers' licenses and accounts	1,026	1 3			Law expenses	98	18 2				
Sale of stores and repayment of works, &c.	1,229	0 1			Sir D. Cooper, rent	1,500	0 0				
Rents	41	16 0			General works—						
Interest account	3,278	11 6			Wages	25,695	17 1				
Fixed deposit—matured					Castings and pipes	30,646	18 2				
					Coal and repairs	9,114	3 8				
					Botany works—						
					Wages	5,694	19 3				
					Coal	5,858	4 6				
					Machinery	5,040	17 0				
					Balance due by Union Bank, 31st December, 1886	47,219	13 0				
					Balance due by Union Bank, 31st December, 1885	9,492	8 4				
										37,727	5 5
			£	135,337						£	135,337

Sydney, 31st January, 1887.

JOSEPH CARROLL,
GEORGE CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the SEWERAGE FUND, for the Year ending 31st December, 1886.

Incorporated by Act of the Colonial Legislature, 43 Victoria, No. 3.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL AMOUNT.			CONTINGENCIES.		TOTAL AMOUNT.	
	£	s. d.	£	s. d.		£	s. d.	£	s. d.
Rate for Year 1886	36,944	4 9	38,152	10 0	Interest expenses	12,020	15 0	38,384	1 5
Do 1885	867	9 3					Office expenses and rent .....			1,202	2 2
Suburban rate	33	12 6			Incidental expenses	1,184	13 7		
Miscellaneous receipts	305	14 6			General works—				
Interest account	1	9 0			Wages	14,046	10 11		
Balance due to Union Bank, 31st December, 1886	12,536	16 2			Sundries	3,520	8 8		
Balance due to Union Bank, 31st December, 1885	12,355	4 9			Salaries of officers	1,909	11 1		
					City Fund—Interest Account	4,500	0 0		
			231	11 5					
			£	38,384				£	38,384

Sydney, 31st January, 1887.

JOSEPH CARROLL,
GEORGE CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY
on account of the SYDNEY COMMON for the Year ending 31st December, 1886.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Interest Account.....	489 13 6	510 10 6	Interest expenses	600 0 0	3,453 18 5
Rents	20 17 0		General works	2,852 15 11	
Balance due by Union Bank, 31st December, 1885	4,082 0 5	2,943 7 11	Incidental expenses	1 2 6	
Balance due by Union Bank, 31st December, 1886	1,138 12 6		£ 3,453 18 5	£ 3,453 18 5	

Sydney, 31st January, 1887.

JOSEPH CARROLL, }
GEORGE CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the CATTLE SALE-YARDS, for the Year ending 31st December, 1886.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Interest Account.....	166 15 6	8,471 9 1	Interest expenses	3,601 9 0	6,966 16 8
Revenue by dues	8,090 15 9		Incidental expenses	127 12 5	
Miscellaneous receipts.....	213 17 10		General works	53 8 0	
		Salaries of officers	684 7 3		
		Sinking Fund.....	2,500 0 0		
Balance due by Union Bank, 31st December, 1886		8,471 9 1	Balance due by Union Bank, 31st December, 1886	3,864 11 10	1,504 12 5
Balance due by Union Bank, 31st December, 1885			Balance due by Union Bank, 31st December, 1885	2,359 19 5	
		£ 8,471 9 1		£ 8,471 9 1	

Sydney, 31st January, 1887.

JOSEPH CARROLL, }
GEORGE CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the TOWN HALL LOAN FUND, for the Year ending 31st December, 1886.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Premium and Interest	1,401 17 0	40,113 13 8	General works	38,290 7 6	42,704 6 3
Interest Account	396 16 8		Interest expenses	3,457 4 0	
City Fund.....	3,315 0 0		Salaries of officers	570 2 6	
Sale of debentures	35,000 0 0		Incidental expenses	372 1 9	
Balance due to Union Bank, 31st December, 1886	7,882 7 11	2,590 12 7	Law expenses.....	14 10 6	
Balance due to Union Bank, 31st December, 1885	5,291 15 4		£ 42,704 6 3	£ 42,704 6 3	

Sydney, 31st January, 1887.

JOSEPH CARROLL, }
GEORGE CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

LIABILITIES of the MUNICIPAL COUNCIL of the CITY OF SYDNEY 31st December, 1886.

CITY FUND ACCOUNT.		£	s.	d.	£	s.	d.	£	s.	d.
Debentures outstanding		100,000	0	0						
Amount due to Union Bank		23,824	19	0						
					123,824	19	0			
Less amount due by Sewerage Fund		75,000	0	0						
Less amount due by Colonial Government		12,500	0	0						
					87,500	0	0			
								36,324	19	0
WATER FUND ACCOUNT.										
Debentures outstanding					111,000	0	0			
Less amount due by Union Bank					47,219	13	9			
								63,780	6	3
SEWERAGE FUND ACCOUNT.										
Debentures outstanding					195,000	0	0			
City Fund Account					75,000	0	0			
Union Bank					12,586	16	2			
								282,586	16	2
SYDNEY COMMON FUND ACCOUNT.										
Debentures outstanding					10,000	0	0			
Less amount due by Union Bank		1,138	12	6						
Less amount due by fixed deposit		5,000	0	0						
					6,138	12	6			
								3,861	7	6
CATTLE SALE YARDS ACCOUNT.										
Debentures outstanding					60,000	0	0			
Less amount due by Union Bank					3,864	11	10			
								56,135	8	2
TOWN HALL LOAN FUND ACCOUNT.										
Debentures outstanding					75,000	0	0			
Union Bank					7,882	7	11			
								82,882	7	11
STREETS LOAN FUND ACCOUNT.										
Debentures outstanding					200,000	0	0			
Less amount due by Union Bank					29,555	7	3			
								170,444	12	9
								696,015	17	9
SINKING FUND—Cattle Sale Yards—Amount to credit at Union Bank, £3,146 4s. 4d. Invested, £10,500					13,646	4	4			
Do Town Hall Loan—Amount to credit at Union Bank, £3,158 16s. 10d. Invested, £15,800					18,958	16	10			
Do Streets Loan—Amount to credit at Union Bank, £6,737 16s. 6d. Invested, £4,300. Fixed deposit, £8,000					19,037	16	6			
								51,642	17	8

Sydney, 31st January, 1887.

C. H. LINES,
City Treasurer.

1887.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the CITY FUND, for the year ending 31st December, 1887.

RECEIPTS.				DISBURSEMENTS.							
	REVENUE			TOTAL AMOUNT			SALARIES	CONTINGENCIES	TOTAL AMOUNT.		
	£	s	d	£	s	d			£	s	d
City Rate, raised by assessment under the authority of the Act of Council 43 Vic No 3	144	10	15	8							
Fees and Fines—Building Fees	1,808	1	6								
By-laws	1,722	17	0								
Hoarding Licenses	180	9	9								
Rent and Dues from Markets—George-street	8	60	5	2							
Belmore	4	54	12	6							
Eastern Fish	2	250	4	9							
Rent of Randwick Toll gate	1	959	4	2							
City Wharves	2	289	0	0							
Public Baths	885	7	11								
Exhibition Building	1	246	2	1							
Town Hall Offices	1	200	0	0							
Vestibule	61	12	0								
Cleansing earth-closets	59	18	6								
Paving rate	4	66	14	6							
Land lease	4	0	10	0							
City endowment	31	30	0	0							
Sale-yard dues	1	166	5	6							
Repayment of works and sale of stores	216	13	7								
Sale of street sweepings and manure	154	2	7								
Removal of rubbish	123	10	9								
Bailiff's costs	5	1	11	6							
Porters' licenses	16	0	0								
Sydney Bathing Co	72	0	0								
Rent and sundries	259	17	6								
Interest Account	4	900	0	0							
				215,287	10	11					
				£	215,287	10	11				
Office of Mayor							1,000	0	0		
Town Clerk and Department							648	1	10		
City Engineer and Surveyor and Department							2,509	5	5		
City Treasurer and Department							776	13	4		
Inspector of Nuisances and Department							1,729	0	0		
City Architect and Department							1,255	18	2		
Health Officer							450	0	0		
Clerk of Markets							20	0	0		
City Scribe							225	0	0		
Messenger and Office-keeper							101	13	4		
										8,945	12
City Improvements—Wages—											
Inspector of Nuisances' Department									47	078	14
Street watering									6,191	15	9
General Establishment and sundries									3	782	2
General Works									20,609	6	8
										82,712	0
City Improvements—Metal—											
Permanent Mills									5	213	10
Kiln									8,872	13	5
										11,086	3
City Improvements—Street Works—											
Kero guttering flagging, &c, under contract									16	608	10
Trot paving, under contract									5,422	1	2
Forming, ballasting, and metalling, under contract									2	886	4
Cable set paving, under contract									1	413	13
Sundries for General Works									19	499	5
										43	829
Expenses of City Markets									2,752	16	10
Street watering material									810	9	8
Interest expenses									8,721	12	4
Printing, stationery, advertising, stamps, cab hire, &c, &c									1,806	8	6
Town Hall expenses									1	0	18
Interest on Town Hall Loan Debentures									4,500	0	0
Hunterong Road Trust									193	18	8
Government transactions and insurance									112	14	3
Repairs, disinfectants, rent, telegrams, &c, &c									1,911	18	11
Removal of encroachments									552	17	3
Compensation									1,134	16	11
Gratuities									650	0	0
Salaries of Auditors									80	0	0
Fire Brigades Board									1,404	9	7
Lighting expenses									12,332	4	9
Randwick Borough Council									511	9	6
Streets Loan Fund									12,000	0	0
Town Hall Loan Fund									4,000	0	0
Streets Loan Sinking Fund									6,000	0	0
Town Hall Loan Sinking Fund									2,250	0	0
Streets Loan Sinking Fund, Colonial Treasury Account									700	0	0
Town Hall Loan Sinking Fund, Colonial Treasury Account									1,400	0	0
										63,816	15
Balance due to Union Bank, 31st December, 1886									23,824	19	0
Balance due to Union Bank, 31st December, 1887									21,927	13	9
										1,897	5
										£	215,287

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ARTHUR SPEER,
Acting City Treasurer.

City Treasury, 31st January, 1888.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the WATER FUND, for the Year ending 31st December, 1887.

RECEIPTS.			DISBURSEMENTS.								
	REVENUE.		TOTAL AMOUNT.			SALARIES.		CONTINGENCIES.		TOTAL AMOUNT.	
	£	s. d.	£	s. d.		£	s. d.	£	s. d.	£	s. d.
Water supplied to houses	55,824	14 2	78,018	5 2	Salaries of officers ...	4,876	0 5	78,894	5 7	78,770	6 0
Do by meter	16,167	12 7			Interest expenses	6,762	10 0				
Do by contract	2,478	2 6			Office expenses and rent	2,075	2 9				
Do by hydrants	42	10 0			Incidental expenses	508	5 11				
Rent of fountain	25	0 0			Law expenses	70	7 0				
Plumbers licenses and accounts	926	14 0			Sir Daniel Cooper, rent	2,000	0 0				
Sale of stores and repayment of works, &c.	1,353	15 1			Department of Public Works	3,000	0 0				
Rents	39	15 0			General works—						
Interest Account	1,160	1 10			Wages	29,341	11 1				
					Castings and pipes	11,304	12 10				
Balance due by Union Bank, 31st December, 1886.....	47,219	13 9	Coal and repairs	8,309	14 6						
Balance due by Union Bank, 31st December, 1887	46,467	12 11	Refund for paving	957	3 0						
		£ 78,770	6 0	Botany works—							
				Wages	5,578	6 0					
				Coal	3,513	1 6					
				Machinery	473	11 0					

City Treasury, 31st January, 1888.

ARTHUR SPEER, Acting City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the SEWERAGE FUND, for the Year ending 31st December, 1887.

RECEIPTS.			DISBURSEMENTS.												
	REVENUE.		TOTAL AMOUNT.			CONTINGENCIES.		TOTAL AMOUNT.							
	£	s. d.	£	s. d.		£	s. d.	£	s. d.						
Rate for year 1887	39,742	11 0	42,760	10 0	Interest expenses	12,083	9 10	39,173	15 1	3,586	14 11				
Do 1886	2,538	6 6			Office expenses and rent	1,027	2 10								
Suburban rate	31	5 6			Incidental expenses	1,025	18 10								
Miscellaneous receipts.....	448	7 0			Redfern Council	750	0 0								
					General works—										
					Wages	15,159	2 6								
					Sundries	2,591	13 5								
					Refund to City Fund	39	17 3								
					Salaries of officers	1,933	4 5								
					City Fund—Interest Account	4,500	0 0								
					Department of Public Works	63	6 0								
					Balance due to Union Bank, 31st December, 1886.....	12,586	16 2								
					Balance due to Union Bank, 31st December, 1887	9,000	1 3								
			£ 42,760	10 0								£ 42,760	10 0		

City Treasury, 31st January, 1888.

ARTHUR SPEER, Acting City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, on account of the SYDNEY COMMON FUND, for the Year ending 31st December, 1887.

RECEIPTS.			DISBURSEMENTS.								
	REVENUE.		TOTAL AMOUNT.			CONTINGENCIES.		TOTAL AMOUNT.			
	£	s. d.	£	s. d.		£	s. d.	£	s. d.		
Interest Account	355	17 10	5,000	0 0	Interest expenses	600	0 0	3,319	13 1	3,000	0 0
Rent	18	14 10			General works.....	2,718	16 5				
Miscellaneous receipts	1	5 6			Incidental expenses	0	16 8				
							Fixed deposit				
Fixed deposit matured.....											
Balance due by Union Bank, 31st December, 1886.....	1,138	12 6									
Balance due by Union Bank, 31st December, 1887	194	17 7									
			£ 6,319	13 1				£ 6,319	13 1		

City Treasury, 31st January, 1888.

ARTHUR SPEER, Acting City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the CATTLE SALE-YARDS FUND, for the Year ending 31st December, 1887.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Interest Account.....	234 1 4		Salaries of officers	675 3 3	
Revenue by dues	8,873 12 2		Incidental expenses	53 0 11	
Miscellaneous receipts.....	211 13 0	9,319 6 6	Interest expenses	3,600 0 0	
Balance due by Union Bank, 31st December, 1886	3,864 11 10		General works	918 0 0	
Balance due by Union Bank, 31st December, 1887	2,437 14 2	1,426 17 8	Sinking Fund.....	2,500 0 0	7,746 4 2
			Fixed deposit.....		3,000 0 0
		£ 10,746 4 2			£ 10,746 4 2

City Treasury, 31st January, 1888.

ARTHUR SPEER,
Acting City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the STREETS LOAN FUND, for the Year ending 31st December, 1887.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Interest Account	1,122 14 0		Interest expenses	14,183 16 6	
Premium Account	1,297 16 6		Incidental expenses	1,686 0 5	
City Fund.....	12,000 0 0	14,420 10 6	General works—		
Sale of debentures		100,000 0 0	Wages	2,217 4 5	
			Cubes	12,589 2 8	
			Cement, &c.	4,951 11 2	
			Streets	14,568 13 0	50,196 3 2
			Balance due by Union Bank, 31st December, 1887.....	93,779 9 7	
			Balance due by Union Bank, 31st December, 1886.....	29,555 7 3	64,224 2 4
		£ 114,420 10 6			£ 114,420 10 6

City Treasury, 31st January, 1888.

ARTHUR SPEER,
Acting City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the TOWN HALL LOAN FUND, for the Year ending 31st December, 1887.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL AMOUNT.		CONTINGENCIES.	TOTAL AMOUNT.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
City Fund.....	8,500 0 0		General works	34,641 0 0	
Interest Account	2,266 15 10		Incidental expenses	2,877 1 0	
Premium Account	2,595 13 0	13,362 8 10	Interest expenses	12,857 3 2	
Sale of debentures		200,000 0 0	Salaries of officers	320 16 4	
			Clerk of Works.....	364 0 0	
			Town Hall organ	3,092 16 8	54,152 17 2
			Balance due to Union Bank, 31st December, 1886.....	7,882 7 11	
			Balance due by Union Bank, 31st December, 1887.....	151,327 3 9	159,209 11 8
		£ 213,362 8 10			£ 213,362 8 10

City Treasury, 31st January, 1888.

ARTHUR SPEER,
Acting City Treasurer.

LIABILITIES of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, 31st December, 1887.

CITY FUND ACCOUNT.	£	s.	d.	£	s.	d.	£	s.	d.
Debentures outstanding.....	100,000	0	0						
Amount due to Union Bank.....	21,027	13	9						
				121,927	13	9			
Less amount due by Sewerage Fund	75,000	0	0						
Less amount due by Colonial Government.....	6,250	0	0						
				81,250	0	0			
							40,677	13	9
WATER FUND ACCOUNT.									
Debentures outstanding.....				111,000	0	0			
Less amount due by Union Bank.....				46,467	12	11			
							64,532	7	1
SEWERAGE FUND ACCOUNT.									
Debentures outstanding.....				195,000	0	0			
City Fund Account.....				75,000	0	0			
Union Bank.....				9,000	1	3			
							279,000	1	3
SYDNEY COMMON FUND ACCOUNT.									
Debentures outstanding.....				10,000	0	0			
Less amount due by Union Bank.....	194	17	7						
Less amount due by fixed deposit.....	3,000	0	0						
				3,194	17	7			
							6,805	2	5
CATTLE SALE-YARDS FUND ACCOUNT.									
Debentures outstanding.....				60,000	0	0			
Less amount due by Union Bank.....	2,437	14	2						
Less amount due by fixed deposit.....	3,000	0	0						
				5,437	14	2			
							54,562	5	10
TOWN HALL LOAN FUND ACCOUNT.									
Debentures outstanding.....				275,000	0	0			
Less amount due by Union Bank.....				151,327	0	0			
							123,673	0	0
STREET LOAN FUND ACCOUNT.									
Debentures outstanding.....				300,000	0	0			
Less amount due by Union Bank.....				93,779	9	7			
							206,220	10	5
							£ 775,471	0	9
SINKING FUNDS—Cattle Sale Yards—Amount to credit at Union Bank, £6,500 16s. 8d. Invested, £10,500									
				17,009	16	8			
Do Town Hall Loan—Amount to credit at Union Bank, £9,522 4s. 8d. Invested, £12,900				22,422	4	8			
Do Streets Loan—Amount to credit at Union Bank, £21,550 17s. 4d. Invested, £4,700.....				26,250	17	4			
Do Town Hall Loan—Colonial Treasury Account—Amount to credit at Treasury				1,400	0	0			
Do Streets Loan—Colonial Treasury Account—Amount to credit at Treasury				700	0	0			
							67,782	18	8

ARTHUR SPEER,
Acting City Treasurer.

City Treasury, 31st January, 1888.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CITY OF SYDNEY IMPROVEMENT BOARD.

(EIGHTH ANNUAL REPORT.)

Ordered by the Legislative Assembly to be printed, 2 November, 1887.

City of Sydney Improvement Board,
Offices, 35, Castlereagh-street, Sydney, 31 August, 1887.

To the Honorable the Colonial Secretary,—

Sir,

We have the honor to submit a report for the Board year, ended 31st August, 1887.

Two members of the Board—Mr. Benjamin Backhouse (architect) and Mr. William Bailey, J.P. (builder)—having been granted leave of absence, have temporarily left the Colony:

The City of Sydney Improvement Act requiring that of the five members constituting the Board one shall be a professional architect and one a practical builder—Mr. Harry Chambers Kent (architect) and Mr. John William Harris (builder) were, upon the recommendation of the Board, and with your concurrence, appointed by the Governor-in-Council to be acting members during the absence on leave of the before-named gentlemen.

Twenty-two meetings of the Board have been held; twenty-nine references from the City Building Surveyor, under the 27th and 29th sections of the Act, have been received and disposed of; and one appeal was heard—thirty-five buildings and erections of various descriptions having been dealt with.

The Board regret that, owing to the imperfections of the City of Sydney Improvement Act, they considered that they had not power to deal with a number of references, also received from the same officer, in respect of an objectionable and dangerous class of structures abounding in the city, and used as fruit, refreshment, and coffee stalls. These erections are constructed of wood, and in many instances form part of advertising hoardings, nearly as undesirable, to which they are usually attached; they are a description of building which, in the opinion of the Board, it was one of the objects in view in framing the present Act to get rid of, being constructed in direct violation of its provisions, and certainly they are not provided for in any of its schedules; they are a disgrace to the metropolitan city, but still remain, and their number is on the increase, the Board being powerless to prevent their erection or to effect their removal. These buildings which, in most instances, have gas and water laid on, are built (with some exceptions) on foundations, and it is well known, are erected without the authority or sanction required by the City of Sydney Improvement Act in respect of buildings of every description within the city.

Regarding the hampered and unsatisfactory position in which the Board still find themselves placed, owing to the numerous defects and deficiencies in the Act, so frequently and prominently brought under notice in each of the seven preceding annual reports, and whenever any other opportunity presented itself, the Board can now only again invite attention to their former oft-repeated representations, believing it to be superfluous to recapitulate the many difficulties they have to contend against which, from time to time, have been vividly reviewed, together with the proposed alterations in the Act deemed to be necessary in order to effect the much-needed improvement, and to make the Board a more effective body, as well as to open up for their action a more extended sphere of usefulness.

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[1,217 copies—Approximate Cost of Printing (labour and material), £2 1s. 10d.]

Quite

Quite recently (on 29th July last) a deputation from the Board waited upon you, and gave you a brief outline of what had previously been done since June, 1880 (when a Bill to amend the existing Act was introduced by you), towards applying or seeking a remedy for the state of affairs complained of, and the disabilities under which the Board labour; they then once more urged the pressing necessity for legislative action on the subject, draft amending Bills prepared by the Board having already more than once been submitted for consideration, and you then promised to give special attention to the whole subject in the light of the explanations made.

The Board have also several times conferred with the City Corporation upon the subject of the deficiencies in the City of Sydney Improvement Act, and with a view to co-operating as to its proposed amendment; at the last interview held His Worship the Mayor stated that he considered the Act required amending, and that increased power to effect the improvement of the city should be obtained from Parliament.

Having done everything practicable to make known the defects, constructive and otherwise, and the deficiencies of the Act, and the remedies in their opinion required, the Board feel that they have not failed in their duty, and that at present they are unable to do more than await some definite action on the part of the Government; but they desire to express the earnest hope that such action will not much longer be delayed, and that during the present session of Parliament some measure to bring about the much-needed reform will be introduced.

During the remainder of the term for which Mr. Benjamin Backhouse had been appointed Chairman of the Board, Dr. Craig Dixson, F.R.C.S., E., was elected to succeed him in that capacity.

We have the honor to be,

Sir,

Your obedient Servants,

CRAIG DIXSON, M.D., F.R.C.S., E.,

Chairman.

GEORGE EVANS,

JOHN W. HARRIS,

HARRY C. KENT,

FRANK SENIOR, J.P.,

} Members of Board.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES

GRANTS TO MUNICIPALITIES.

(RETURN RESPECTING.)

Ordered by the Legislative Assembly to be printed, 23 July, 1888.

[Return prepared in fulfilment of a promise made by the Honorable J. F. Burns, for the Secretary for Public Works, in answer to a question by Mr. Crouch, M.P., dated the 21st June.]

QUESTIONS.

- (6.) Grants to Municipalities:—Mr. Crouch asked the Secretary for Public Works,—
- (1.) As the "Mileage Vote" is not available this year for such portions of main Government roads as may be within the limits of country municipalities (the distance having been altered between towns), is it a fact that a number of roads proclaimed as "main roads" have for years been maintained by the Government, although within municipal boundaries?
 - (2.) Will he take steps to proclaim as main roads such other roads as may fairly be entitled to be so recognized?
 - (3.) Is Unwin's Bridge, for which £2,000 is voted in the Schedule, within the boundaries of a municipality?
 - (4.) Are the following roads and streets, for which amounts are specified hereunder in Schedule, within municipal limits, viz.:—Union-street, Adamstown, £600; road, Wickham, £700; Kingsgrove Road, £1,000; Military Road, £1,000; Spit Road, £1,000; Lane Cove to Pittwater, £500; approach, Fig-tree Bridge, Lane Cove, £500; Lane Cove Road (metalling), £1,000; roads, Botany, £1,500; Missenden Road, £500?
 - (5.) Is it not usual to refuse all similar requests from country municipalities for Government roads, or portions thereof, within their boundaries?

ANSWERS.

- (1.) The main roads specified in the last proclamation are maintained by the Government, but in special cases subsidies as voted on the Estimates are paid to the Municipal Councils if they consent to accept the same.
- (2.) It is not considered desirable to increase the number of main roads.
- (3.) No; one-half is within Municipality of St. Peter's, and the remainder of bridge is outside municipal limits.
- (4.) Union-street, Adamstown, £600; within municipality; for approach to railway platform. Road, Wickham, £700; within municipality; road lies partly along reserves. Kingsgrove Road, £1,000; within municipality of Hurstville; it is an approach to the railway line. Military Road, £1,000; part of the defences. Spit Road, £1,000; part of the defences, and constructed to give work to the unemployed. Lane Cove to Pittwater, £500; outside municipal limits. Approach to Fig Tree Bridge, £500; approach to a bridge for which funds have been specially voted, to be ultimately charged against Field of Mars Common account. Lane Cove Road, metalling, £1,000; this is a proclaimed main road. Roads, Botany, £1,000; at time money was voted these roads were outside municipal limits. Missenden Road, £500; boundary of Government property.
- (5.) Unless under exceptional circumstances it is considered that the endowment to the municipalities relieves the Government of all responsibility for roads within municipal limits.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES.

(OPINIONS OF THE SEVERAL ATTORNEYS-GENERAL IN THE YEARS 1876 AND 1888 UPON CASES SUBMITTED ON THE QUESTION OF ENDOWMENTS TO, UPON SPECIAL CONTRIBUTIONS.)

Ordered by the Legislative Assembly to be printed, 23 July, 1888.

SCHEDULE.

Case of the Municipality of St. Peters, Cook's River.

NO.	PAGE.
1. Minute of the Colonial Treasurer. 19 February, 1876	2
2. The Crown Solicitor to the Under Secretary for Finance and Trade, 8 May, 1876. (With enclosure—opinion of Mr. Attorney-General Dalley, &c., 6 May, 1876)	2

Case of the Municipality of Leichhardt.

1. Minute of the Treasury Examiner. 22 September, 1884	3
2. Minute of the Colonial Treasurer. 6 October, 1884	3
3. Further Minute of the Colonial Treasurer. 20 October, 1884	3

Case of the Municipality of Merewether.

1. Minute of the Treasury Examiner. 22 September, 1886	4
2. The Mayor of Merewether to the Under Secretary for Finance and Trade. 27 September, 1886	4
3. Minute of the Colonial Treasurer. 9 November, 1887	4
4. The Crown Solicitor to the Under Secretary for Finance and Trade. 1 February, 1888. (With enclosure—opinion of Mr. Attorney-General Wise. 31 January, 1888)	4
5. Minute of Colonial Treasurer thereon. 2 February, 1888	4

Case of the Municipality of Canterbury.

1. Minute of Acting Treasury Examiner. 1 November, 1887	5
2. Minute of Under Secretary for Finance and Trade to the Secretary to the Attorney-General. 20 January, 1888	5
3. W. L. Davis, Esq., M.P., to the Colonial Treasurer. 12 March, 1888. (With enclosure—Secretary Canterbury Park Race Club to Mayor and Council of Canterbury. 25 February, 1887)	5
4. Minute of Colonial Treasurer thereon. 9 April, 1888	6
5. The Crown Solicitor to the Under Secretary for Finance and Trade. 7 May, 1888. (With enclosure—Mr. Attorney-General Simpson's opinion. 5 May, 1888)	6
6. Minute of the Colonial Treasurer thereon. 17 May, 1888	6

MUNICIPALITIES.

St. Peters (Cook's River) Municipality.

No. 1.

Minute of The Colonial Treasurer.

Claim for Endowment.

THE points raised here are of considerable importance, and not free from difficulty. *Kerbing and guttering* I consider quite within the scope of "corporate purposes," entitling, under 31 Vic. No. 12, sec. 189, to endowment, kerbing and guttering being objects for which the municipalities are specially empowered by the 153rd clause to make by-laws. I am inclined also to think that expenditure, or rather subscriptions, for the purpose of *gas-lighting* within the municipality, form a legitimate claim for endowment. Sec. 153 authorizes making by-laws for gas-lighting, and sec. 165 empowers rates for that purpose. (*inter alia*), which places such expenditure or subscription within the category of "corporate purposes" under the 189th sec. I do not think the fact of the subscriptions being by Road Trustees in place of private individuals makes any difference.

New fences to private properties stand on quite a different footing, and I think subscriptions for that purpose do not fall within the "corporate purposes" contemplated in the Act, and that obtaining Government endowment for such purpose is an evasion of the Act.

I confess, however, that although my opinion is very strong on these points, I would not act upon it without the case being referred to the Crown Solicitor, as much depends on the legal interpretations of the clauses in the Act, which a layman often fails to appreciate, contenting himself more with the equity or apparent intention. I have not failed to notice the allegations that the old fences had slightly overreached on the alignment, but there is not sufficient proof that they had done so to render it to corporate benefit to remove them at the Corporation and Government expense.

ALEX. STUART.

19 February, 1876.

No. 2.

The Crown Solicitor to The Under Secretary for Finance and Trade.

In re the claim of the Municipality of St. Peters, Cook's River, for endowment.

Sir,

Crown Solicitor's Office, Sydney, 8 May, 1876.

I have the honor to return, herewith, Treasury minute in this matter, bearing date the 19th February last, and the papers relating to the subject of such minute, and to state that I have laid them all before Mr. Attorney-General Dalley, who has been pleased to write an opinion in the matter, a copy of which I send you with this letter.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

[Enclosure.]

Opinion of the Honorable the Attorney-General.

In re the claim of Municipality of St. Peters, Cook's River, for endowment.

MY honorable colleague, the Colonial Treasurer, has forwarded for my information a Treasury minute concerning the claim for endowment of the Municipality of St. Peters, Cook's River, together with an abstract of the revenue and expenditure of such municipality for the half-year ended the 2nd August, 1875.

I have also had forwarded to me an explanatory letter from the Council Clerk of the municipality, addressed to the Treasurer, giving certain information with regard to the particulars of contributions for corporate purposes included in the Abstract of Revenue and Expenditure, and another letter from one of the aldermen of the municipality, protesting against certain proceedings of the Council Clerk. No case has been specifically stated for my opinion; but I presume it is desired that I should advise generally as to whether any or all of these contributions are of such a character as to entitle the municipality to the endowment for corporate purposes from the Consolidated Revenue in the proportion provided for by 31 Vic. No. 12, sec. 189. It will be necessary that I should examine these items with the view of advising the Government as to whether they are subscriptions paid up for corporate purposes within the meaning of the Act.

The 189th section of the Act provides that "on or before the 31st March and the 30th September in every year the Council of every municipality shall cause to be prepared and transmitted to the Colonial Treasurer, a detailed account of all sums of money actually raised therein by rates and all subscriptions paid up for corporate purposes during the last past half of the late year, or of the current year, or the fraction of a year, as herein provided for, such account to be signed by the Mayor, and countersigned by the treasurer of the municipality. And upon receipt of such account it shall be lawful for the Governor, by warrant under his hand addressed to the Colonial Treasurer, to direct him to pay from the Consolidated Revenue to the Treasurer of the municipality, by way of endowment for corporate purposes, according to the provisions of this Act, &c., &c."

It was manifestly the intention of the Legislature to encourage by this provision the action of rate-payers, within municipalities, to make contributions towards the general public purposes, for the accomplishment of which it was deemed expedient to provide more effectually for the establishment of municipalities. It never could have been intended by the Legislature that what are called contributions for corporate purposes should include several of the transactions which appear in the abstract before me, and which are explained by the letter of the council clerk.

The various sums of £35, £30, £10, £40, £30, and £50 subscribed, as it is alleged, by Messrs. Rose, Gannon, Cook, Bond, Cozens, and Terry towards the cost of removing old and substituting new fences opposite the respective properties of these persons, do not appear to me in any way to entitle the municipality to endowment for such subscriptions.

I

I cannot see what general public advantage can be derived from any such expenditure, nor why it should be supposed that the Consolidated Revenue should be charged with the performance of work which can only be advantageous to the individuals who obtained new instead of old fencing. I can readily understand how, in the case of a ratepayer who (anxious for the improvement of his Municipality) pays into its Treasury a sum of money for the construction or repair of a bridge, for the opening of a public road or way, for taking any steps for enclosing places in the Municipality where public safety is likely to be endangered, or for many of the purposes set forth in section 153, an indisputable claim is made out for endowment money from the Government, for this is a contribution on behalf of an object which is of an equal interest to the whole body of ratepayers. And I have little hesitation in laying down as a rule that what is intended by the words "Subscriptions paid up for corporate purposes" in section 189 is such subscriptions as have for their object the accomplishment of a public corporate purpose in which all the ratepayers are interested, and by the attainment of which they will all be benefited. I consequently am of opinion that the Government should sanction no endowment on the amount of the various items specified in the abstract as contributions for this purpose.

I am also of opinion that the Municipal Council is entitled to no endowment for subscriptions for corporate purposes *from persons or trusts not within the Municipality*. I perceive that three sums of £26 2s. 6d. each were subscribed by the trustees of the Cook's River Road towards defraying the costs incurred in the Municipality of St. Peters in lighting such road, so far as it is within the municipality, with gas; I do not think that this is a subscription within the meaning of the Act. To hold that it is so might lead to such a state of things as this: that any trust outside the municipality might hand over large sums to the municipality, sums utterly disproportionate, either to the necessities of the municipality or to its claims upon the public Treasury, and the Government would be compelled to give equal sums, by way of endowment, during the first five years of the incorporation of such municipality.

The same observations will apply to the sums subscribed by the trustees of the Cook's River Road for kerbing and guttering a portion of the road within the municipality.

It seems to me that the attention of the Government ought to be immediately directed to the case of this municipality, and of any others in which the contributions for corporate purposes are so excessively disproportionate to the rates received. In the abstract submitted the rates received in both wards amount in all to only £96 18s. 4d., while the contributions for corporate purposes amount to £333 1s. 3d.

It could never have been the intention of the Legislature to endow to the extent of £436 17s. 8d., for the half-year, a municipality which only taxed itself to the extent of £96 18s. 4d.

I have endeavoured to deal (as far as I am enabled to understand from these papers what it is desired that I should advise upon) with the case of this municipality, and I think it is of the highest importance in the administration of the Act to be excessively vigilant in resisting a tendency to lighten municipal taxation by imposing upon the general public burdens which should be as local as the advantages derived from the expenditure which has created them. The Consolidated Revenue can only be resorted to by ratepayers who have, for public corporate purposes, taxed themselves, and cannot be made use of either to minister to the private advantage of members of municipalities, or to the endowment of such bodies to the extent of five times the sum at which they have taxed themselves.

WILLIAM B. DALLEY,
Attorney-General.

Crown Law Offices, 6 May, 1876.

Case of the Municipality of Leichhardt.

No. 1.

Minute of the Treasury Examiner.

THE Municipality of Leichhardt has included in the application herewith two subscriptions amounting to £1,789 15s. 8d., received from a company in Sydney, presumably for improvements to property owned by the company in the borough, on which endowment is claimed. In submitting this matter for the Treasurer's decision I may state it appears to me most doubtful that endowment can legally be paid on the amounts in question, contributed as they are by a "business association" without the municipality.

Section 189 of the Act 31 Vic. No. 12 provides that "the Council of every municipality shall cause to be prepared and transmitted to the Colonial Treasurer a detailed account of all sums of money actually raised therein by rates and subscriptions paid up for corporate purposes." The words actually raised therein would signify that endowment is payable only on subscriptions paid up for corporate purposes by persons residing within the municipality. If therefore the intention of the Act is to endow local subscriptions only, the amounts under consideration are, I presume, inadmissible.

R.A.C., 22/9/84.

No. 2.

Minute of The Colonial Treasurer.

THE contribution should, I think, be allowed.

G.R.D., 6/10/84.

No. 3.

Further Minute of The Colonial Treasurer.

My attention having been directed to an opinion given by the Attorney-General (Mr. Dalley) on 6th May, 1876, in the case of the Municipality of St. Peters,—“That no endowment for subscriptions for corporate purposes from persons or trusts not within the municipality, can be allowed”—the items objected to by Mr. Cantor must be struck out.

G.R.D., 20/10/84.

Case

Case of the Municipality of Merewether.

No. 1.

Minute of The Treasury Examiner.

THE Mayor should be requested to state, in reference to the contribution of £500, if Mr. E. C. Merewether, the contributor of that amount, is a resident of the Municipality, if he has a personal interest in the advancement thereof, and if the money is intended for the general improvement of the Municipality, and any other particulars he may be pleased to afford.

R.A.C., 22/9/86.

No. 2.

The Mayor of Merewether to The Under Secretary for Finance and Trade.

Sir,

Council Chambers, Merewether, 27 September, 1886.

In reply to yours of the 24th instant, I beg to inform you that Mr. Merewether is not a resident and has not been for the past five or six years. 2. Mr. Merewether is the owner of the Burwood Estate and about 1,100 acres of land; in fact the whole of the Municipality is on the Burwood Estate, except 35 acres of Glebe land held in trust for Church purposes. The £500 was given for corporate purposes, to which it is being applied, viz., the making of roads, bridges, streets, and drainage, and with a distinct understanding that no portion of it was to be applied to litigation, and that it is in compliance with section 189 of the Municipalities Act of 1867, and entitles this Municipality to the full endowment. No. 3 is answered by No. 2. But I may say the money is being applied for the general improvement of the Municipality of Merewether.

I have, &c.,

THOMAS KEMPSTER,
Mayor.

No. 3.

Minute of The Colonial Treasurer.

Subject :—The claim of the Merewether Municipality.

The Treasury, 9 November, 1887.

THE whole of these papers can be forwarded to Mr. Wise for his opinion on the question of whether the Municipality of Merewether is entitled to claim from the Consolidated Revenue an amount equal to the voluntary contribution of Mr. Merewether to the Municipality.

J.F.B.

The Crown Solicitor.—J.T. (for U.S.), B.C., 10/11/87.

No. 4.

The Crown Solicitor to The Under Secretary for Finance and Trade.

Subject :—Endowment payable to the Merewether Municipality.

Sir,

Crown Solicitor's Office, Sydney, 1 February, 1888.

I have the honor to return herewith the papers relating to the above matter which were forwarded to me from your Department on the 20th day of January, 1888, and to state that I have submitted them to Mr. Attorney-General Wise, a copy of whose advising thereon will be found below.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

[Enclosure.]

Opinion of Mr. Attorney-General Wise.

I SEE no reason for altering the practice established by the Leichhardt case, which was founded upon the opinion of Mr. Attorney-General Dalley. I think, therefore, the Municipality of Merewether has no claim at law for an amount from the Consolidated Revenue equal to the voluntary contribution of Mr. Merewether.

B.R.W., 31/1/88.

No. 5.

Minute of The Colonial Treasurer.

INFORM in terms of Mr. Wise's opinion.

J.F.B.,
2/2/88.

Case of the Municipality of Canterbury.

No. 1.

Minute of The Acting Treasury Examiner.

THE Canterbury Municipality included in the Statement of Rates and Subscriptions for the half-year ended 1st August, 1887, a sum of £100, subscribed by Messrs. Davis and Clissold, as directors of the Canterbury Racecourse Company, for metalling part of a street which passes the racecourse. Acting on numerous precedents, based on an opinion given by Mr. Attorney-General Dalley (herewith), I disallowed this amount as being a subscription from "persons or trusts not within the municipality," the Mayor admitting in his letter of the 14th October that these gentlemen did not reside in Canterbury. There is also another aspect of the case, viz., as this street is the principal if not the only approach to the racecourse, it is essential to the success of the course that that portion of the street, used in going to and from the course and the local railway station, should be kept in a thorough state of repair, therefore it may reasonably be expected that the Company will be compelled, in their own interest, to periodically assist the municipality in renewing this part of the street; and of course the Government will be called upon to subsidize all such amounts, which, it must be admitted, are given primarily for the benefit of the Racecourse Company. The Mayor now protests against the endowment (£50) on the above amount (£100) being withheld, on the ground that one of the Company, Mr. Foord, does reside in the municipality; but as this appears to me to be a parallel case to that of the Leichhardt Municipality (papers herewith), where large sums were disallowed by the then Colonial Treasurer, Mr. Dibbs, I therefore submit the matter for the decision of the hon. the Treasurer as to whether he considers this amount should be paid.

S.R.C.

Examining Branch, 1 November, 1887.

No. 2.

Minute of The Under Secretary for Finance and Trade to The Secretary to the Attorney-General.

Subject:—Claims of Municipality of "Merewether" and "Canterbury."

The Treasury, New South Wales, Sydney, 20 January, 1888.

THE action of the Treasury, in a case presumed to be analogous, in principle, to those above stated, namely, the "Leichhardt Case," and which has been treated by the Treasury as a leading case, was based upon the opinion of Mr. Attorney-General Dalley, of date 6th May, 1876, herewith, as stated at pages 2 and 3 to the end. The Leichhardt papers are herewith.

G. EAGAR,

Under Secretary for Finance and Trade.

The Secretary to the Attorney-General,—G.E., B.C., 20/1/88.

The favour of an early opinion is requested.

No. 3.

W. L. Davis, Esq., M.P., to The Colonial Treasurer.

Sir,

Hurstmonceaux, Petersham, 12 March, 1888.

I have the honor to acknowledge receipt of your communication of 7th inst., and must confess my surprise at the decision of the Honorable the Attorney-General respecting the endowment to the Canterbury Municipal Council, the case in question being a thoroughly *bona fide* one.

I enclose herewith for your perusal copy of letter forwarded to the said council by the secretary of the Canterbury Park Race Club on the 25th February, 1887, offering the sum of £100, which was accepted and subsequently paid in the names of Mr. F. Clissold and myself as trustees to the club, and I think it will at once convince you that the money was given and expended for a legitimate purpose, and if endowment is not allowed in a case of this kind I respectfully submit that any charitable donation given by a person residing out of the locality in which the institution is situated would in like manner not be entitled.

I trust, however, on reconsideration of the matter you will see fit to order the amount claimed to be paid over to the Canterbury Council, for although Mr. F. Clissold and myself both reside outside of the borough boundaries we are both large ratepayers in the borough outside of the property in question.

I beg also to draw your attention to the fact that the trustees of the Ashfield Park have not been advised as to what bank the balance of moneys due to them have been placed in, and may I respectfully request that you will give this matter your earliest attention and advise them accordingly.

I have, &c.,

WM. LOVEL DAVIS.

[Enclosure.]

Gentlemen,

8, Tattersall's Chambers, Hunter-street, Sydney, 25 February, 1887.

I am directed by the Committee of the Canterbury Park Race Club to inform you that in the event of your Council carrying out the following works they will be willing to contribute the sum of one hundred pounds (£100) towards their cost, viz. :—

Forming and metalling King-street, from the termination of the present metal to the culvert near south-east corner of Racecourse.

Metalling King-street, from the present metal at north end to junction of Goodlet-street.

Filling in and metalling Goodlet-street, near junction with Canterbury Road.

I am, &c.,

H. NELSON,

Secretary.

To the Mayor and Council of Canterbury.

No. 4.

Minute of The Colonial Treasurer.

LET this case be submitted for the opinion of Mr. Simpson.

J.F.B., 9/4/88.

No. 5.

The Crown Solicitor to The Under Secretary for Finance and Trade.

Subject:—In re claim of Canterbury Municipality to endowment.

Sir,

I have the honor to return herewith the papers relating to the above matter, which were forwarded to me from your Department on the 24th day of April, 1888, and to state that I have submitted them to Mr. Attorney-General Simpson, a copy of whose advising thereon will be found below.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

[Enclosure.]

Mr. Attorney-General Simpson's Opinion.

In re Municipality of Canterbury's claim to endowment.

I HAVE considered this case, which was submitted to me on the 24th April, in accordance with a memo. of the Colonial Treasurer upon a letter of Mr. Davis of the 12th March last.

Without entering into the question of how far the claim of the Council is governed by the opinion of Mr. Attorney-General Wise in the Merewether case, or that of Mr. Attorney-General Dalley in the St. Peter's case, I am of opinion that the contribution of the Canterbury Park Race Club being for the carrying out of *certain* specified work to *portions of specified streets* is not a subscription paid up for corporate purposes (that is, *general* corporate purposes) within the meaning of section 189 of the Municipalities Act; and that, consequently, the claim of the Council to a sum of money by way of endowment in respect of the contribution ought *not* to be complied with.

G. B. SIMPSON, A.-G.,
5/5/88.

No. 6.

Minute of The Colonial Treasurer.

MR. DAVIS, M.P., may be informed, and supplied with a copy of the opinion of Mr. Simpson.

J.F.B., 17/5/88.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

FORBES MUNICIPALITY.

(CORRESPONDENCE, &c., RESPECTING THE SPECIAL AUDIT OF ACCOUNTS.)

Ordered by the Legislative Assembly to be printed, 14 March, 1888.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 7th March, 1888, That there be laid upon the Table of this House,—

“A copy of all petitions, papers, letters, and telegrams that have been forwarded to the Government by ratepayers of the Forbes Municipality, with reference to the special audit of Municipal accounts just granted; also a copy of all letters and telegrams sent from the Department to the ratepayers, having reference to the same.”

(*Mr. Stokes.*)

A.

Petition.

The Right Honorable Baron Carrington, P.C., G.C.M.G.

The humble petition of the undersigned electors of the Municipality of Forbes, sheweth—

That your petitioners are desirous of having two auditors, to be called “Special Auditors,” appointed to hold a special audit of the accounts of the Municipality of Forbes, upon a day to be appointed by such auditors, pursuant to the Act 31 Victoria, No. 12, section 184.

Your petitioners, therefore, humbly pray that such special auditors may be appointed for the purpose already set forth.

And your petitioners will ever pray, &c.

Dated this twenty-eighth day of January, one thousand eighth hundred and eighty-eight.

James Fraser, storekeeper, Forbes	William Bray, brewer, Forbes
George E. Job, auctioneer, Forbes	James Rogers, storekeeper, Forbes
C. M. W. Goggin, contractor, Forbes	James Barter, carrier, Forbes
Thomas Stain, grocer, Forbes	his
W. R. Stone, painter, Forbes	J.F. Wm. × Shervington, freeholder, Forbes
Charles Boyle, miner, Forbes	mark
Michael Clifford, publican, Forbes	Henry Hines, carrier, Forbes
Henry Honar, coachbuilder, Forbes	Henry B. Wilson, agent, Forbes
C. Eddy, cordial maker, Forbes	J.F. { John McGovown, innkeeper, Forbes
T. G. Lane, manufacturer, Forbes	Hotel-keeper, South Forbes
W. Rogerson, grocer, Forbes	Charles Cabot, storekeeper, Forbes
John Reynolds, bootmaker, Forbes	Thomas O'Connor, gardener, Forbes
Arthur Forster, carpenter, Forbes	James H. Shanks, miner, Forbes
J. Eddy, cordial maker, Forbes	A. Nicholas, miller, Forbes
Charles Wait, watchmaker, Forbes	Martin Kelly, sawyer, Forbes
F. Foster, miner, Forbes	Robert Hollinger, farmer, Forbes
William Hasemer, brickmaker, Forbes	W. Larkin, brewer, Forbes
William James, auctioneer, Forbes	John Leonard, freeholder, Forbes
Bagration White, agent, Forbes	Francis E. Desailly, carpenter, Forbes
J.F. J. H. Loving, labourer, Forbes	J.F. James Browne, baker, Forbes

587—

George

J.F.	George Smith, labourer, Forbes	Repiligg Schwick, farmer, South Forbes
	W. Mansell, miner, Forbes	A. Smith, farmer, South Forbes
J.F.	James Renfree, freeholder, Forbes	Robert Callow, farmer, Forbes
	William Brown, baker, Forbes	George Twogood, storekeeper, Lachlan-street, Forbes
	Gottfried Schiller, gardener, Forbes	W. E. Harrison, painter, North Hill, Forbes
J.F.	John × Manus, carter, Forbes	George Ross, tailor, Forbes
	mark	James Webb, stonemason, South Forbes
	J. Willis, bootmaker, Forbes	Jno. J. Patterson, baker, Forbes.
	J. Hames, farmer, South Lead, Forbes	

This is the petition marked "A" referred to in the annexed declaration of Joshua Free, declared to this seventh day of February, A.D. 1888, before me,—

EDMOND A. T. PERY, J.P.

Statutory Declaration.

I, JOSHUA FREE, of Forbes, in the Colony of New South Wales, upholsterer, do hereby solemnly and sincerely declare as follows:—That I was present and did see the persons whose signatures appear upon the petition hereunto annexed, marked "A," sign the same, and that they are the true signatures of such persons. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of Her present Majesty, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof and for the suppression of voluntary and extra-judicial oaths and affidavits."

JOSHUA FREE.

Subscribed and declared at Forbes, this seventh day }
of February, 1888, before me,—

EDMOND A. T. PERY, J.P.

Request petitioners to nominate suitable persons as auditors.—C.W., 12/2/88.

Telegram from the Mayor of Forbes to The Colonial Secretary.

9 February, 1888.

FIND that petition for special audit of Forbes Municipal Accounts has been sent to His Excellency the Governor. Ratepayers generally very much opposed to same. Indignation meeting to be held, and petition against the unnecessary expense to be forwarded. Many signatures to petition to special audit obtained by misrepresentation, and no just cause can be given for requiring such audit.

The Principal Under Secretary to H. H. Cooke, Esq., M.P.

Sir,

Colonial Secretary's Office, Sydney, 14 February, 1888.

Referring to the petition presented by you from certain electors of the Municipal District of Forbes, praying that special auditors may be appointed to audit the accounts of that Municipality, I am directed by the Colonial Secretary to request that the petitioners will be good enough to submit the names of two suitable gentlemen to hold the proposed audit.

I have, &c.,

CRITCHETT WALKER,
Principal Under Secretary.

Memorial.

To the Right Honorable Baron Carrington, K.C.M.G., Governor of New South Wales.

The memorial of the Mayor and Council of the Municipal District of Forbes humbly sheweth,—

Firstly. That your memorialists are aware that a petition from certain ratepayers of Forbes has been presented to your Excellency asking that a special audit of the books of the Forbes Municipal Council may be made.

Secondly. That upon ascertaining the above fact your memorialists met and passed the following resolution, viz.:—"That a communication be sent to His Excellency the Governor of the Colony showing that the special audit asked for by a certain section of the ratepayers of this Municipality is certainly unnecessary, and absolutely unwarrantable, inasmuch as no circumstances have arisen, and no reason can be assigned by the petitioners to justify the demand for a special audit of the Council's accounts, and that the action of such petitioners can only be attributed to a spirit of spleen and vexatiousness."

In addition to the above objections, your memorialists are in a position to state that the canvasser for signatures had great difficulty in obtaining the requisite number, that many were obtained by misrepresentation, and also that your memorialists have every confidence in the integrity of their officers, and the ability of the gentlemen who have audited the accounts, the present auditors being men of high commercial standing, holding the responsible position of bank managers in this town.

Your memorialists also desire to draw your attention to the fact that they have recently, on account of the insufficiency of funds for carrying out necessary works, been compelled to reduce the salaries of their officers, and the cost of a special audit (which could serve no useful purpose) would be a severe tax upon the resources of the Council.

In

*In the interests of the ratepayers, and of the well-being of the Council generally, your memorialists therefore pray that you will be pleased to refuse the prayer of the petition referred to till the petitioners are in a position to show some reasonable grounds for plunging the Council into the expense of a special audit.

And your petitioners, as in duty bound, will ever pray, &c., &c.
Signed on behalf of the Municipal Council of Forbes,

HORACE C. SANDFORD,
Mayor of Forbes.

Forbes, February 16, 1888.

Chief Clerk, 21.

About forty ratepayers of Forbes ask, without assigning a reason for a special audit of the Municipal accounts. The Mayor has represented that no circumstances have arisen to warrant such a course, and strongly protests against it. It is presumed that the special audit will therefore be refused.—E.W.M., 22/2/88.

Under this representation perhaps no further steps should be taken at present.—C.W., 22/2/88.
Stand over, 23/2/88.

The Acting Council Clerk, Forbes, to The Colonial Secretary.

Sir,

Council Chambers, Forbes, 17 February, 1888.

I am directed by the Municipal Council of Forbes to apply to you for a copy of the memorial sent to His Excellency the Governor by a number of ratepayers of this Municipality, asking for a special audit of the books and accounts of the Forbes Municipal Council, which memorial was presented a few days ago by H. H. Cooke, Esq., M.P.

I have, &c.,
D. M'KEOWN,
Acting Council Clerk.

Mr. J. Free to H. H. Cooke, Esq., M.P.

Dear Sir,

Forbes, 21 February, 1888.

Since Mr. J. Fraser's letter to you was posted to-night, we have received the enclosed acceptance of the position of special auditor from Mr. James Robertson (now in Young). ^{"A" and "B,"} _{20/2/88.}

Therefore you are now in a position to nominate Mr. James Robertson and Mr. Wilson as the two gentlemen to submit to the Governor for his appointment. Please get the matter settled as soon as possible, as there are strenuous efforts being made to stop the audit.

I am, &c.,
W. R. STONE,
Pro. J.F.

Telegram from H. H. Cooke, Esq., M.P., to The Principal Under Secretary.

Parkes, 25 February, 1888.

KINDLY wire to-day what steps taken *re* special audit, Forbes.

"A."

To James Fraser, J.P., and other gentlemen petitioning for a special audit of the books of the Municipal District of Forbes.

Gentlemen,

Forbes, 20 February, 1888.

I am willing, if appointed, to accept the position of one of the special auditors for the above audit.

I am, &c.,
HENRY BOWER WILSON.

"B."

Mr. James Robertson to Mr. James Fraser.
Re Audit Special.

Dear Sir,

Forbes, 20 February, 1888.

Replying to your inquiry *re* this matter, I shall be glad to place my services at your disposal, and am willing that you should nominate me when making your application for special audit of your Borough Council books.

Yours, &c.,

JAMES ROBERTSON,
Public Accountant and Auditor.

H. H. Cooke, Esq., M.P., to The Colonial Secretary.

Sir,

Sydney, 23 February, 1888.

In reply to your letter of the 14th February instant, asking for names of gentlemen willing to act as special auditors for the Municipality of Forbes, I have the honor to hand herewith the names which have been forwarded to me, viz., Mr. James Robertson, of Wynyard Chambers, Sydney, and Mr. Henry Bower Wilson, of Forbes, and I most respectfully request that these gentlemen be appointed to make a special audit of the accounts of the Forbes Municipality, in accordance with the petition of the ratepayers, presented by me on the 11th day of February, 1888.

I have, &c.,

HENRY H. COOKE, M.L.A.

Refer back, requesting reason should be furnished supported by facts.—C.W., 24/2/88.

Principal

Principal Under Secretary to H. H. Cooke, Esq., M.P.

Sir,

Colonial Secretary's Office, Sydney, 25 February, 1888.

Referring to your letter of the 23rd instant, submitting the names of two gentlemen for appointment as special auditors of the Municipal District of Forbes, I am directed by the Colonial Secretary to inform you that the petitioners who are agitating for a special audit of the municipal accounts should furnish some substantial reasons for making the request, and support the same by facts.

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

H. H. Cooke, Esq., M.P.

Telegram from The Principal Under Secretary to H. H. Cooke, Esq., M.P.

Parkes, 27 February, 1888.

LETTER to you posted on Saturday asking petitioners to state reasons for appointment of special auditors Forbes.

CRITCHETT WALKER,

Principal Under Secretary.

Mr. Richard Jenkins to The Colonial Secretary.

Sir,

Forbes, 28 February, 1888.

Mr. Cooke, M.P., has handed me your telegram of the 27th inst., to the following effect, "Letter to you posted on Saturday asking petitioners to state reasons for appointment of special auditors, Forbes." This letter has not come to Mr. Cooke's hands yet.

Your letter to Mr. Cooke of 14th instant requests "That the petitioners submit the names of two suitable gentlemen to hold the proposed audit."

I most respectfully submit that this is an absolute grant of the special audit as applied for. No reasons were asked for then, why request such a thing now?

I do not see that you have any occasion to request reasons to be assigned for the special audit already granted, *vide* 31 Victoria No. 12, section 184.

The petitioners object for not setting forth reasons for such a special audit must be obvious to you

We, however, submit for your perusal copies of local newspapers, in which are published various correspondence from ratepayers, questioning the accuracy of the statements of the municipal accounts at Forbes, and the statements otherwise.

You will observe the matter in italics, and kindly note the same. The letters and items challenging the correctness of the balance-sheets are up to the present twice totally uncontradicted.

We have not thought it necessary to furnish you with any information prior to 1886, as we believe you will see since that time that there is quite sufficient matter before you for the special audit already granted.

I have, &c.,

RICHARD JENKINS,

Solicitor for the Petitioners.

[Enclosures.]

The Forbes and Parkes Gazette, Lachlan and Bogan Advertiser, Friday, 12 March, 1886.

To the Editor.

Sir,

A statement was made by Alderman Hutchinson *re* the Water Works balance sheet, and my letter on the same, which both papers omitted to report, viz., "That through the items in the balance-sheet not being properly extended, it was made to appear that a loss to the Council had resulted from the water scheme, whereas they had paid their way and been able to expend £399 ls. of water-rates in extending the reticulation." So far so good; if such is the case, what is Alderman Hutchinson doing to allow such an erroneous statement to be published. I thought that all the errors in the statement were made by your contemporary, but his corrected statement showed nothing of this. Why you omitted to publish the aforesaid remarks I cannot imagine, but it looks very like as if your contemporary dare not. After all it seems that my three responsible persons were in error. Another little item as a debit omitted in my former, through not wishing to lay it on too thick. From August 2nd, 1882, till December 31st, 1885, is three years and nearly five months, during which the Council have held Mr. Stokes' £5,000 at six per cent. By a rough calculation this interest amounts to £1,023 16s. 8d. from which deduct £654 13s. as per corrected statement, leaving a further deficit to be added to my former one thus—loss as per profit and loss £166 17s. 7d.; further loss originally appearing as an error £30 0s. 7d.; depreciation £354 6s. 6d. (too little by far, considering that the pumps are not reliable even now); interest owing Mr. Stokes, £362 3s. 8d.; total, £920 8s. 4d., a nice little sum, truly, when we are told that we are paying our way, and have made £399 ls. expended in reticulation. *It is no use mincing matters, the account is bungled, and appearances indicate that those who were so lavish in their promises of looking after the ratepayers' money, are quite content to let it remain so, so long as the Forbes Municipal milch cow can supply sufficient to carry on with, and find billets for their friends. Like Alderman Baldoock, whom your contemporary, true to his instincts, sat upon, I believe that the statement that assisted to raise the Clerk's salary, appears to be cooked, and this is evidently the same or worse. Report says that since Forbes was first proclaimed a Municipality, various deficiencies have been in the accounts, even to the tune of hundreds of pounds, but whoever saw any of our balance-sheets that were not certified to be correct, and to correspond, &c. As Alderman Hutchinson and the Council Clerk seem to be the lock, stock, and barrel of the concern, and as it is evident that promises to ratepayers are only made to gull them, perhaps one or the other will, just to oblige, you know, state how much of the "Tumperty Substitute" published does correspond with the books, if any, and perhaps Alderman Hutchinson will explain how he can make a profit out of the statement published. It will give him such a gentlemanly chance of showing his talents, much better than the contest, a la Professor Anderson, he was talking of the other day, as a means of squelching your humble servant. In the meantime I must remain that insignificant and useless object (except at election time).*

A RATEPAYER.

The

The Forbes and Parkes Gazette, Lachlan and Bogan Advertiser, Friday, March 12, 1886.

BALANCE-SHEET, showing Receipts and Expenditures of the Forbes Municipal Council for the half-year ending 2nd February, 1886.

RECEIPTS.		EXPENDITURES.	
1884—4 August.	£ s. d.	Contracts—	£ s. d.
To Balance in bank.....	46 0 3	Fencing	41 0 0
Cash in hand	25 9 3	Road-making and repairs	110 1 7
Municipal rates, since received	530 6 0	Tree enclosures	42 16 6
Commonage fees	12 5 3	Street-lamps purchased and erected.....	82 15 9
Rent of night-cart, police fines, &c.....	2 15 6	Weir across Lachlan River	117 9 2
Government endowment (ordinary)	208 15 2	Clearing roads and shifting rubbish.....	8 4 3
" (special)	320 19 6	Photo. views for Colonial and Indian Exhibition	15 15 6
Refund from park moneys	8 0 10	Salaries—	
Refund from water supply account.....	90 0 0	Council Clerk and Inspector of Works	46 2 11
Interest on loan to water supply account.....	60 0 0	Commons Ranger and Inspector of Nuisances	54 0 0
		Auditors	2 2 0
		Wages	32 14 0
		Law expenses	3 4 0
		Printing	28 18 6
		Commission on rates	18 1 0
		Fire Brigade subsidy	25 0 0
		Goods	8 16 0
		Stationery, stamps, and telegrams	12 5 1
		Sundries	5 16 0
		Municipal Association subsidy	5 5 0
		Vote to Conference delegates	20 0 0
		Loan to Water Supply Account	165 19 10
		Refund District Court costs—J. Wood	9 4 2
		Balance in bank, February 2nd, 1885	449 0 6
	£1,304 11 9		£1,304 11 9

I hereby certify that the above balance-sheet contains a true and correct statement of the receipts and expenditures of the Forbes Municipal Council as shown by the books, vouchers, and other documents in the possession of the said Council, the same having been examined by me.

E. G. BOLLINGER,
Mayor.

We hereby certify that we have examined the books, vouchers, and other documents in the possession of the Forbes Municipal Council, in connection with the revenues and expenditures of the said Council, and have found the above balance-sheet to be a true and correct statement of same.

CHAS. ST. BAKER, }
E. E. SMALL, } Auditors.

N.B.—No sums of £100 or £50 disclosed here as appears in abstract published in issue of 17th September, 1886.

The Forbes and Parkes Gazette, Lachlan and Bogan Advertiser, Friday, 26 February, 1886.

To the Editor.

Sir,

Kindly allow me space in your columns to make a few remarks in reference to the statement of receipts and expenditure of the Forbes Water Supply, as appearing in your contemporary's columns of the 20th instant. Passing by the fact that (although we have been long promised a balance-sheet) the statement referred to is only an abstract from a cash-book, and although certified to as being correct by three responsible persons, is still wrong to the tune of £30 0s. 7d. in the addition, on the credit side. I would like to put the items contained therein in somewhat different shape, say:—To cash borrowed from Mr. Stokes and Council, £7,341 13s. 9d.; by purchase of land, £200 (grand price for the seller); H. Hand, contracts, £6,555 11s. 9d.; Ferguson, shed, £31 10s.; Callow, fencing, £18 3s. 9d.; Blacket, plans and supervision, £281 5s.; refund to Council, £40; unexpended balance of borrowed money, £215 3s. 3d. Putting the rest of said statement into profit and loss form, it appears thus:—To weekly payments, £51 10s.; ordinary water rates, £707 2s. 8d.; meter charges, £47 0s. 6d.; stable charges, £134; stand-pipe charges, £46 16s.; factory charges, £25 2s. 8d.; plumbers license fees, £10; refund from reserve moneys, £23 12s. 10d.; refund from Council (A. Baillie), £4 10s.; total, £1,049 14s. 8d. By Wood, £41 12s.; supplies, £17 0s. 7d.; labour, £45 10s. 6d.; sundries, £11 6s.; By-laws, £5; wages, £270; interest (Mr. Stokes), £624 13s.; interest (Council), £120; law expenses, £38 18s. 10d.; printing £20 13s. 6d. account; reserves, £21 17s. 9d.; total, £1,216 12s. 2d., or a loss of £166 17s. 6d., add to which, balance in Bank, £18 5s. 2d., and the error in addition, £30 0s. 7d., makes a total of £215 3s. 3d., the balance of the borrowed money. But if you add depreciation at (say) 2½ per cent. per annum on the amount expended in construction, £354 6s. 6d., to the loss of £166 17s. 7d., as shown by profit and loss, we have a deficiency up to the 31st December of £521 4s.

It is but right that when the statement is corrected, that a balance sheet in proper form should be published, showing assets, also liabilities. Our water scheme may be worth £1,000, or it may be worth £10,000; it may be indebted £1 or £500 for all the ratepayers are likely to know from the trumpety substitute already published as a balance-sheet. Till the publication referred to came out, I, and without doubt many more, were under the impression that a certain amount from the water scheme was paid for collecting its rates; and also, if my memory serves me right, the clerk's salary has been paid from it once or twice; perhaps the refunds mentioned are these moneys disinterestedly returned, or has the general rates paid these and other sums justly due on the water scheme. If the books are in such a state that proper statements cannot be got from them, it would be perhaps as well to get a professional accountant to straighten them at once, for the longer muddle continues the worse matters will get, then let the ratepayers insist on having a special audit, and perhaps then we can get them kept correct in the future, or at any rate in a manner that would not disgrace an average schoolboy. I am perfectly astonished that the gentlemen in our council, and our auditors, should ever publish such a thing, and then to certify that it corresponds with the books, vouchers, &c., and that the above balance sheet is correct.

Trusting that this matter will be attended to, and that in future all balance sheets will be in proper form, as befits a Municipality of our importance.

I remain, &c.,
A RATEPAYER.

The

The Forbes and Parkes Gazette, Lachlan and Bogan Advertiser, Friday, 17 September, 1886.

ABSTRACT of Receipts and Expenditure of the Forbes Water Supply Account, from 1 January, 1886, to 3 August, 1886.

1886—January 1.		By salaries—			
		£ s. d.		£ s. d.	£ s. d.
To Balance in bank	18 5 2	R Ritchie	90 0 0		
Water rates collected	342 14 9	T. A. Crowe	11 10 9		
Stable and factory charges	96 10 0	D. M'Keown	7 15 10		
Stand-pipe charges	28 15 6				109 6 7
Water sold by meter	84 12 6	Goods (pipes, &c.)			42 5 3
Plumber's license fee	5 0 0	Wages			22 11 6
Credited water supply in error	0 13 0	Contracts			59 12 6
		Interest on loan			150 0 0
		Printing			9 12 0
		Law expenses			5 5 0
		Refund to Municipal Council			100 0 0
		Sundries			8 7 3
		Stamps and telegrams			0 5 1
		August 3—			
		Balance in bank this day			69 5 9
	£576 10 11				£576 10 11

I hereby certify that the above account is correct, and that it corresponds with the books, vouchers, and other documents in the possession of the Municipal Council of Forbes.

E. G. BOLLINGER,
Mayor.

We hereby certify that all the books of accounts, vouchers, or other documents in the possession of the Municipal Council of Forbes, have been exhibited to us; that the foregoing statement corresponds with such books of accounts or other documents; and that the above is correct.

CHAS. ST. BAKER, }
E. E. SMALL, } Auditors.

Council Chambers, Forbes, 14 September, 1886.

ABSTRACT of Receipts and Expenditure of the Municipal Council of Forbes, for the half-year ending 2 August, 1886.

1886—3 February.		By contracts		£ s. d.	
		£ s. d.		£ s. d.	
To Balance in bank	449 0 6	Law expenses	546 14 9		
Rates collected	527 1 2	Wages	16 18 6		
Commonage fees	1 8 6	Work with drays, &c.	26 9 4		
Sale of tank	2 17 0	Fire Brigades subsidy half-year	11 13 0		
Police Court fines, rent of night-cart, &c. ...	12 7 6	Rent of room for Free Library	40 0 0		
Refund from Water Supply Account	50 0 0	Salaries—			
Refund from Treasury on account of weir...	99 19 10	Council Clerk and Inspector of Works	62 6 1		
Unpresented cheques	32 0 2	Corporation labourer	58 3 0		
		Rate Collector, Inspector of Water Works, and Nuisances	30 15 4		
		Lamp-lighter	12 7 6		
		Valuers	25 0 0		
		Auditors	2 2 0		
		Supplies, timber, &c.	19 19 8		
		Goods, kerosene for street lamps, &c.....	32 1 4		
		Street name-plates	5 11 0		
		Printing and advertising	48 14 4		
		Stationery, stamps and telegrams	7 0 11		
		Special vote to Council delegates	20 0 0		
		Commonage fees refunded	9 16 6		
		Sundries, carriage, horse hire, &c.	13 9 0		
		Cash in hand	0 19 4		
		Balance in bank	169 12 4		
	£1,174 14 8				£1,174 14 8

I hereby certify that the above account is correct, and that it corresponds with the books, vouchers, and other documents in the possession of the Municipal Council of Forbes.

E. G. BOLLINGER,
Mayor.

We hereby certify that all the books of accounts, vouchers, or other documents in the possession of the Municipal Council of Forbes, have been exhibited to us; that the foregoing statement corresponds with such books of accounts or other documents; and that the above is correct.

CHAS. ST. BAKER, }
E. E. SMALL, } Auditors.

Council Chambers, Forbes, 14 September, 1886.

The Forbes Times, Saturday, 12th March, 1887.

ABSTRACT of Receipts and Expenditures of the Forbes Municipal Council for the half year ending 31st January, 1887.

	£	s.	d.		£	s.	d.	£	s.	d.
To Balance in Bank, Aug 4th, 1886	169	12	4	By Salaries as under :—						
Cash in hand, Aug. 4th, 1886	0	19	4	Council Clerk and Inspector of						
Special Government endowment	476	19	0	Water Works	40	7	8			
Rates collected	256	4	4	Rate Collector and Inspector						
Police Court fines, rent of night-cart, &c.	12	5	8	of Nuisances	26	18	5			
Rent of boring machine	6	0	0	Corporation labourer	58	10	0			
Unpresented cheque, Jan. 31st, 1887	19	18	6	Lamplighter	17	17	6			
Dr. Balance A. J. S. Bank	93	10	7	Auditors	2	2	0			
								145	15	7
				Contracts				377	3	0
				Purchase of land				250	0	0
				Law expenses				7	4	6
				Fire Brigade subsidy				20	0	0
				Municipal Association subscription				5	5	0
				Work (blacksmithing and odd jobs)				14	17	1
				Supplies (kerosene, &c.)				30	8	7
				Goods (wire netting, timber, &c.)				20	8	3
				Horse hire				6	12	6
				Printing and advertising				24	2	1
				Petty cash				10	0	0
				Stationery, &c.				1	6	10
				Carriage of boring machine				37	15	5
				Wages to weekly or daily workmen				39	1	9
				Unpresented cheque last audit				32	0	2
	£1,035	19	9					£1,035	19	9

I hereby certify that the above statement corresponds with the books of accounts, vouchers, &c., of the Forbes Municipal Council, and is correct.

G. F. HUTCHINSON,
Mayor.

We hereby certify that we have examined the books of accounts, vouchers, and other documents connected with the receipts and expenditure of the Municipal Council of Forbes, and have found the above statement correct.

CHAS. ST. BAKER, } Auditors.
E. E. SMALL, }

Forbes, 7th March, 1887.

ABSTRACT of Receipts and Expenditures in connection with the Forbes Water Supply Account, from 4th August to 31st December, 1886.

	£	s.	d.		£	s.	d.	£	s.	d.
To Balance in Bank, Aug. 4th, 1886	69	5	9	By Salaries as under :—						
Water rates and charges (domestic)	213	7	5	Council Clerk	23	1	6			
Stable charges	56	10	0	Rate Collector and Inspector						
Meter charges	27	10	0	of Water Supply Works..	15	7	3			
Factory charges	17	10	0	Engineer	66	0	0			
Stand-pipe charges	15	15	0					104	9	2
Plumber's license	2	10	0	Wages				23	18	6
				Contracts				21	10	5
				Goods				6	0	8
				Printing				2	0	6
				Law expenses				5	5	8
				Interest on loan				150	0	0
				Sundries				2	15	0
				Horse hire				3	0	0
				Balance in Bank				65	8	9
				Cash on hand				17	13	6
	£402	2	2					£402	2	2

I hereby certify that the above abstract corresponds with the books, vouchers, and other documents concerning water supply in the possession of the Forbes Municipal Council, and is correct.

G. F. HUTCHINSON,
Mayor.

We hereby certify that we have examined the books, vouchers, and other documents connected with the Forbes water supply account in the possession of the Forbes Municipal Council, and have found the above statement correct.

CHAS. ST. BAKER, } Auditors.
E. E. SMALL, }

Forbes, March 7th, 1887.

N.B.—No sums of £100 or £50 disclosed here as appears in Abstracts published in issue of 17th September, 1886.

Minute of The Principal Under Secretary.

SUFFICIENT REASONS have now been furnished. The necessary minute for the Executive Council may be prepared for approval.

C.W., 8/3/88.

Minute herewith, 9/3/88.

Minute

Minute for the Executive Council.

Forbes Municipality—Appointment of Special Auditors.

Colonial Secretary's Office, Sydney, 9 March, 1888.
 I RECOMMEND the appointment, in accordance with the provisions of section 184 of the "Municipalities Act of 1867," of Mr. James Robertson and Mr. Henry Bower Wilson as special auditors of the Municipal District of Forbes.

HENRY PARKES.

Telegram from the Mayor of Forbes to The Colonial Secretary.

Forbes, 12 March, 1888.

LAST half-yearly balance sheet of Municipal accounts just audited by managers of Joint Stock and New South Wales Banks. Thoroughly satisfactory and correct, and full statement published in local papers. Please consider this in granting special audit.

Telegram from The Principal Under Secretary to The Mayor of Forbes.

Sydney, 13 March, 1888.

AUTHORITY given for special audit before your telegram received.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES.

(PARTICULARS RESPECTING REVENUE, &c., OF FORBES AND PARKES.)

Ordered by the Legislative Assembly to be printed, 3 July, 1888.

[Laid *the Table of this House, in answer to question No. 19, of Tuesday, 3rd July, 1888.*

Mr. Stokes asked the Colonial Secretary,—

- (1.) What is the municipal revenue and the value of ratable property of the towns of Forbes and Parkes respectively, as shown from the last returns?
(2.) The respective dates of incorporation and number of ratepayers upon the Municipal Roll?

Name of Municipality.	Municipal Revenue as shown by last returns.	Value of ratable Property.	Date of Incorporation.	Number of ratepayers on Roll.
Forbes	£ s. d. 1,900 0 0	£ s. d. 30,380 0 0	27 April, 1870 ...	572.
Parkes	398 18 4	8,279 0 0	28 February, 1883 ...	523.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

WOOD-PAVING.

(RETURN SHOWING COST OF IN CITY AND SUBURBS.)

Ordered by the Legislative Assembly to be printed, 1 May, 1888.

[Return prepared in pursuance of a promise made by the Honorable the Secretary for Public Works, in answer to the following Questions asked by Mr. Creer, M.P., on the 28th February last.]

1. What is the total cost of wood-paving the thoroughfare surrounding the Circular Quay, including cost of wood blocks, excavations, foundations, and all necessary preparations?
2. What amount has the Government paid for and towards wood-paving, including cost of wood blocks, foundations, &c., in the city of Sydney and suburbs, giving the name and amount spent in each suburb up to end of 1887?
3. What is the total paid for wood-paving, including cost of blocks, foundations, preparations, &c., in the city of Sydney and suburbs up to the end of 1887?

RETURN showing the cost of Wood-paving Works carried out by the Department of Public Works, prepared in pursuance of promise made by the Honorable the Secretary for Public Works on the 28th February last to a Question by Mr. Creer, M.P.

Work.	Total cost.			Amount of Contribution from Municipalities.			Amount expended by Department.			Remarks.
	£	s.	d.	£	s.	d.	£	s.	d.	
Circular Quay... ..	32,365	12	7	Nil.			32,365	12	7	It is estimated that £2,400 will be required to complete this work.
Newtown Road	26,979	18	4	4,000	0	0	22,979	18	4	
Oxford-street	16,927	19	1	6,689	17	9	10,238	1	4	
Crown-street	23,441	19	6	15,627	19	8	7,813	19	10	
George-street West ...	20,875	15	11	12,855	15	8	8,020	0	3	
	£ 120,591	5	5	39,173	13	1	81,417	12	4	

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

METROPOLITAN TRANSIT COMMISSIONERS.
(NAMES OF EMPLOYEES AND OTHER PARTICULARS.)

Ordered by the Legislative Assembly to be printed, 17 April, 1888.

[Laid upon the Table of this House by the Colonial Secretary in answer to Question No. 2, Votes No. 78, of 17th April, 1888.]

2. MR. McELHONE asked THE COLONIAL SECRETARY,—

- (1.) What are the names of the various officials employed by the Transit Commissioners?
- (2.) The year in which they were first employed by the Transit Commissioners, and the salaries they received when first employed by the Transit Commissioners?
- (3.) The names of the various officials now employed by the Transit Commissioners, and the salaries they now receive?
- (4.) What is the annual license paid by each hansom cabman for his vehicle?
- (5.) The like for two-horse carriages?
- (6.) The like for omnibuses?
- (7.) The like for draymen and drays?
- (8.) What is the yearly income of the Transit Commissioners?
- (9.) What is the yearly expenditure of the Transit Commissioners?
- (10.) What was the surplus income of the year 1887 over the year's expenditure?
- (11.) What is the total surplus income of the Transit Commissioners over the total expenditure since the Bill passed under which the Transit Commissioners were elected and appointed?

ANSWERS TO QUESTIONS NOS. 1, 2, and 3.

Name.	Capacity.	The year employed by Commissioners	Salary when first employed by Commissioners.	Salary now received
William J. Merriman	Registrar	1873	£25 per month.	£41 13s. 4d. per month.
Edward Oram	Inspector	1873	£22 18s. 4d. per month	£40 per month.
William R. Goodwin	Book-keeper	1873	7s. per day	£18 15s. per month.
Thomas A. Harrick	Assistant Inspector	1873	£6 5s. per month	£9 5s. 10d. per month.
Walter Oates	do	1874	7s. per day	10s. per day.
Laurence Finigan	do	1875	do	do
Lawrence McIlveen	do	1877	do	do
Amaziah Dearin	do	1879	do	do
Robert Anderson	do	1878	do	9s. per day.
William H. Taylor	do	1880	8s. per day	do
William Dwyer	do	1882	do	do
Alfred Lord	do	1877	7s. per day	do
Robert Scales	do	1882	8s. per day	8s. per day.
Thomas Ware	do	1882	do	do
Charles King	do	1882	do	do
John Taumey	do	1882	do	do
Henry Bush	Messenger, &c.	1883	£6 10s. per month	do
David Tyrie	Assistant Inspector	1884	8s. per day	do
William M. Mahon	do	1884	do	do
Edward Foster	do	1885	do	do
Thomas Maddison	do	1885	do	do
Charles Francis	do	1885	do	do
John Boyce	do	1885	do	do
Edward Lee	do	1886	do	do
Walter Boulton	do	1886	do	do
Sidney Wearin	do	1886	do	do
William Dwyer, junr.	do	1887	do	do
William Jenkin	do	1887	do	do
Samuel Long	do	1887	do	do
Robert Croker	do	1887	do	do
Susanah Oates	Office-keeper	1885	£1 13s. 4d. per month	£1 13s. 4d. per month.

ANSWERS to Questions Nos. 4, 5, 6, and 7.

SCHEDULE C.

License Fees.

	On and after 1st January in each year.	On and after 1st April in each year.	On and after 1st July in each year.	On and after 1st October in each year.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Cabs..... each	2 0 0	1 10 0	1 0 0	0 10 0
Hackney carriages	3 0 0	2 5 0	1 10 0	0 15 0
Omnibuses	6 0 0	4 10 0	3 0 0	1 10 0
	*	*	*	*
Drays, carts, and vans.....	2 0 0	1 10 0	1 0 0	0 10 0
	*	*	*	*
Drivers of drays.....	Yearly, 5s. each.			

ANSWER to Question No. 8.

	Income.	£	s.	d.
1873.....	537	18	9	
1874.....	3,418	19	6	
1875.....	3,542	8	3	
1876.....	3,393	18	0	
1877.....	3,617	3	6	
1878.....	3,813	19	3	
1879.....	4,323	17	4	
1880.....	4,406	2	6	
1881.....	4,850	4	6	
1882.....	4,784	14	0	
1883.....	4,916	9	6	
1884.....	5,105	9	6	
1885.....	5,376	12	9	
1886.....	6,004	16	0	
1887.....	6,128	5	1	

ANSWER to Question No. 9.

	Expenditure.	£	s.	d.
1873.....	2,012	0	9	
1874.....	2,724	17	1	
1875.....	2,571	5	11	
1876.....	2,909	18	0	
1877.....	3,795	18	6	
1878.....	4,048	4	3	
1879.....	4,266	2	0	
1880.....	4,127	13	9	
1881.....	3,558	5	10	
1882.....	4,211	2	2	
1883.....	4,821	14	10	
1884.....	5,355	11	8	
1885.....	5,558	13	3	
1886.....	6,129	10	6	
1887.....	6,451	16	1	

ANSWER to Question No. 10.—Deficiency, as seen by last items above.

ANSWER to Question No. 11.—£1,678 3s. 10d.

In the yearly expenditure is included the services of a solicitor at the rate of £208 per annum ; Mr. George Merriman is generally engaged.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF ADAMSTOWN—BY-LAWS).

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 8th February, 1888.

ADAMSTOWN MUNICIPALITY—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Adamstown, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS OF THE MUNICIPALITY OF ADAMSTOWN.

BY-LAWS for regulating the proceedings of the Council of the Municipality of Adamstown, and the duties of the officers and servants of such Council; for preserving order at meetings of the said Council; for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances and houses of ill-fame; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; compelling residents to keep their premises free from offensive or unwholesome matters; opening new public roads, ways, and parks; aligning and cleansing roads and streets; regulating the supply and distribution of water, sewerage, and drainage; preserving trees and shrubs; regulating free libraries; preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; preserving public decency; providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; restraining noisome and offensive trades; and generally maintaining the good rule and government of the said municipality.

PART I.

Proceedings of the Council and Committees.—Preservation of order at Council Meeting.—Duties of Officers and Servants, &c.

Meetings of the Council.

Ordinary Meetings.

1. The Council shall meet for the despatch of business at the hour of 7 p.m. every alternate Thursday, unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.—Adjournment for want of Quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect, from among themselves, a Chairman for such meeting. Whenever there shall be an adjournment of any meeting for want of a quorum, the names of the members present shall be recorded in the Minute Book.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read, and, if necessary, dealt with.
4. Reports from Committees, and minutes from the Mayor to be dealt with.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council, to be put and replied to; and statements as to any facts, matters, or circumstances, requiring attention by the Council or any of its Committees or officers, to be made.
6. Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper.

Provided that it shall be competent to the Council at any time, by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business Paper for Ordinary Meetings—how prepared.

5. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk, not less than twenty-four hours nor more than four days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 3 of this "Part" of these By-laws, in the order in which such notice, requisition, or direction shall have been received.

Business Paper for Special Meeting.

6. The business paper for a special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to Members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

8. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper, so noted, shall be a record of the Council.

Notices of Motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

9. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 3 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all the said notices of motion, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.**Motions—how to be moved.**

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck out and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

13. No motion in Council shall be discussed until it has been seconded.

Amendments may be moved.

14. When a motion shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed until it has been seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it has been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be discussed until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any amended question shall be negatived, a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen how to be dealt with.

20. Every requisition by an Alderman, that any particular matter of business be brought before the Council, shall be treated as a notice of motion by such Alderman that such business be taken into consideration by the Council; and he shall be called upon in due order to move that such business be so considered, or make any other motion he may think fit in reference thereto, which shall be consistent with the notice of such business, and with good order. And if such Alderman be absent, or if, being present and so called upon, he shall make no such motion, then it shall be open to any other Alderman to make such motion. And when any such motion shall have been made it shall be dealt with in the same manner as if notice thereof had been given, subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business or with good order. And if no motion shall be made in reference to such business, the entry relating thereto shall be struck out of the business paper.

Orders of the Day.**Of what Orders of the Day shall consist.**

21. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

22. Section 19 of this "Part" of these By-laws shall be considered applicable to orders of the day; and the Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that as to any order of the day entered as aforesaid, by direction of the Mayor, such Mayor may arrange with any Alderman to move, and may in such case call upon the Alderman with whom he has so arranged.

Petitions.**Petitions to be respectfully worded.**

23. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain certain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned; or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

Correspondence.**Duties of Mayor as to Correspondence.**

26. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 23 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 26 to apply to letters.

27. Section 25 of this "Part" of these By-laws shall be equally applicable to letters addressed to the Council.

Letters sent not to be discussed, but every letter may be subject of motion.

28. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor, or by any officer of the Council, though copies may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council, which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Reports from Committees and Minutes from the Mayor.

Form of Report.

29. All reports from Committees shall be written on foolscap paper, with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's Minute.

30. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of the same kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How Reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

31. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, it may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without such due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which it is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of the Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid, as will enable the Council Clerk to make the necessary entry on the business paper, and to give due notice.

Questions and Statements.

Limitation as to Questions and Statements.

32. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 3 of this "Part" of these By-laws

Notice to be given.

33. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory.

34. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

35. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

36. Every such statement must be made without argument.

No discussion on Question, &c.—Rights of objection, and of subsequent motion reserved.

37. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council, &c.

38. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any

question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor, or other Chairman then presiding: Provided that in the case of a question, such question may, by the permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to objection on the ground of disorder or irrelevancy; and all members of the Council shall, on all occasions, when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted, if in order.

39. No Alderman shall be interrupted while thus speaking unless for the purpose of calling him to order, as hereinafter provided.

Offensive language.

40. If any Alderman uses, whilst in Council, any offensive or insulting language, the words shall be written down, and he shall be asked to withdraw them. If he refuse to withdraw such language, and apologise, he shall be deemed guilty of misconduct, and be liable to a fine of not less than 20s. nor more than £5.

Limitation as to number of speeches, &c.

41. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

Mover and seconder.

42. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

43. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to, any other Alderman.

Adjournment of debate.

44. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the debate.

Mayor to decide as to pre-audience.

45. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Alderman may require question to be stated, &c., under certain circumstances.

46. Any Alderman may request the question or matter under discussion to be read or stated, for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or materially to interrupt the discussion; also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bond fide* it shall not be complied with.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

47. The Mayor or Chairman shall not move or second any motion or amendment, nor put any question, as provided for by section 3 of this "Part" of these By-laws, except as is further provided for by the section 38 of the same; but such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

48. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

49. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or discuss, or who shall use any other language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be deemed to be out of order.

Mayor, &c., may call member to order.

50. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order, whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any member may raise question of order.

51. Every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation, moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

52. A member called to order shall withdraw while the question of order is being discussed and decided on, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council, at once and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be re-opened. And provided further, that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon such point of order, after the same shall have been discussed.

Decision of points of order.

53. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice, which he shall deem applicable to the case, without discussing or commenting upon the same.

Motions out of order to be rejected.—Members to explain, retract, or apologise, &c.

54. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

55. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations, which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 49 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction for the first offence, to a penalty of not less than ten shillings, nor more than five pounds; and on a second conviction for the like offence, he shall be liable to a penalty of not less than one pound, nor more than ten pounds; and on the third conviction, and for every further conviction, for the like offence, he shall be liable to a penalty of not less than two pounds, nor more than twenty pounds.

Power of Council as to altering rules on points of order.

56. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or of practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties, unless and until it be rescinded, but shall have no retrospective operation.

Mode of Voting.

How questions are to be put.

57. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalty for refusing to vote.

58. Any Alderman shall be at liberty to call for a division. In such case, the questions shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings, nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

59. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council. Notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the Minute Book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committees of the whole Council.

Business in Committee.

60. The Business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Disorderly conduct in Committee.—Refusal to vote.

61. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 49 of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the Minute Book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 53 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the Minute Book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary; but it shall be the duty of the Chairman of such Committee of the whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

62. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 48 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

63. Any Alderman may at any time during the sitting of the Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day,

or on some other day, or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sitting, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

64. All reports of proceedings in Committee of the whole Council shall be made to the Council, *viva voce*, by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case, the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided, that in making any such report as aforesaid, it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

65. All such reports of proceedings in Committee of the whole Council shall be recorded in the Minute Book; but, except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption, or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid, and the order of debate on such motion, shall be subject to all the same rules as other motions in Council, and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 61 of this "Part" of these By-laws, of disorderly conduct in Committee, or under section 58 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof, and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

66. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such call compulsory in certain cases.

67. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 56 of this "Part" of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

68. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order, each member present shall answer to his name as so called, and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

69. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings, nor more than five pounds. Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

*Standing and Special Committees.**

Standing Committees

70. Besides any such Special Committees as may from time to time be found necessary, there shall be three Standing Committees, namely, a By-law Committee, a Committee for Works, and a Finance Committee, each consisting of not less than three members. These Committees shall be re-appointed every year at the first meeting of the Council which shall be holden after the election of the Mayor.

*Standing Committees may also be appointed as required for improvement, lighting, water, hall, library, or general purposes.

Mode of re-appointing Standing Committees.

71. The re-appointment of the three said first-named Committees may, on resolution of the Council, be made by ballot. In such case, a list or lists of the members for each ward shall be handed to each member then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong. And the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any one of such first-named Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committee.

By-law Committee

72. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Borough; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

73. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee

74. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution, to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committee.

76. Every Committee of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee within seven days after their appointment.

Committee Meeting—how called.

77. The Council Clerk shall call a meeting of any Committee when requested to do so by the Chairmen or any two members of such Committee.

Records of transactions in Committee.

78. The Chairman of each Standing Committee shall make or cause to be made, in a book kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall on ceasing to be such Chairman hand over to his successor.

Term of service in Committee.

79. Appointments to the By-law Committee, the Committee of Works, and the Finance Committee shall be for the whole municipal year. The Chairman of these three Committees as appointed, or removed, from the Chairmanship of the same shall be thereby and without any further order, regarded as having been appointed to, or removed from, the Committee for general purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee, to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committee in sections 109 and 110 of the Municipalities Act of 1867, and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

80. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.

81. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

- 1st. By order of the Committee of Works or of the Mayor and one member of such Committee for repairs or emergent works, to the extent of two pounds.
- 2nd. By order of the Mayor for necessary current expenses, to the extent of two pounds.
- 3rd. By order of the Mayor and any two Aldermen, or without the Mayor of any four Alderman, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting: such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council, shall on any pretence be thus authorized.

82. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

83. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or enquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment before recommending payment: Provided, however, that such special report as last herein mentioned may be embodied with the report by which payment of the amount in question is recommended: Provided also that in cases of special expenditure under section 82 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate. And provided further, that in regard to salaries and wages of labour, for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor or working foreman of the amount due to any such officer, servant, or labourer, and the order of such Mayor for payment of such amount shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorization, shall be attached respectively to the reports from the Finance Committee, on the payments or outlays to which such certificates, memoranda, or authorizations have reference

Common Seal and Records of the Council.

Common Seal and Press how secured.—Care of same.

84. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used.

85. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

86. The Treasurer shall keep such books of account and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda, from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect, or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council, from time to time, any changes which such Committee may think advisable in the mode of keeping the accounts.

Impression of seal not to be taken, &c., without leave of Council.—Penalties.

87. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings, nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

88. Any person removing any such book or other record of the Council, as aforesaid, from the Council Chamber, or the place where, by direction of the Council, such book or other record is usually kept, without leave for such removal having been first obtained from such Council or without other lawful cause for such removal as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record, as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk or the Treasurer by the Mayor, in order that such Clerk or Treasurer may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform. Also, that the Mayor or Chairman of any Committee or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution or suit at law, by, against, or at the instance of the Council. But in all such cases such Clerk, Treasurer, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand, for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed. And provided also that the Mayor, Council Clerk, or other officer or the Council who may be subpoenaed to produce any book or other record of the Council in a Court of law, shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid. And every such person so temporarily removing any book or other record of the Council as aforesaid, shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying records.

89. Any person destroying, defacing, or altering any record of the Council shall, for every such offence, be liable to a penalty of not less than five pounds, nor more than fifty pounds.

Records of the Council defined—provisions for proper keeping of the same.

90. The minute-book, letter-book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls, and other records relating to the elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters on municipal business addressed to the Council, or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda, relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the minute-book, and other books and other than electoral roll and other records relating to elections shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered to which there is any reference in the minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time, to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency, which they may discover in the keeping of such records.

Officers and Servants.

Notice to candidates in certain cases.

91. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount is attached, shall be made until public notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same, the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment

92. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

93. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

94. All bonds given by officers and servants of the Council for the faithful performance of their duties, shall be deposited with the attorney or the bankers of the Corporation as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

95. The Council Clerk, in addition to the duties which, by the "Municipalities Act of 1867," or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipal District under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may (as hereinafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Duties of Treasurer, &c.

96. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 87 of these By-laws, and shall be responsible for the safe keeping of the same; any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Duties of other officers and servants.

97. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time, and in accordance with law, be made.

Special powers of Mayor.

98. The Mayor shall exercise a general supervision over all officers and servants of the Corporation and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, expla-

nation, or information is on record or hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may except as hereinafter provided, be either rendered *via voce*, or put into writing as the Mayor may direct.

How complaints against officers, &c., are to be dealt with.

99. All complaints against officers or servants of the Corporation must be in writing and addressed to the Mayor, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints as aforesaid shall be laid by the Mayor before the Council, at the next meeting thereof which shall be holden after the Mayor shall have received the same and shall be duly recorded.

Miscellaneous.

Leave of absence.

100. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council, adopted after due notice.

Motions for rescission on previous orders, &c.

101. Whenever a motion for the rescission of any order, resolution, or vote of the Council, shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice, as hereinbefore provided, and in due course of law, of any By-law, for the repeal or amendment of any other By-law.

Lapsed business.

102. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

103. Such suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Municipality, as may have been directed by the Council or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows:—When against a member of the Council, or an Auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no suit shall be brought or information laid, as aforesaid, against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of such Council or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit, or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of proceeding in cases not provided for.

104. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend temporarily certain portions of this By-law.

105. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such section or sections as are not hereinafter excepted, may be suspended by resolutions, on notice, at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have

been adopted, of the purpose for which such suspension is required; and that for every separate matter or business, as to which such suspension is so required, there shall be a separate resolution as aforesaid: And provided also that the following sections hereof shall never be suspended, nor shall any one of them, nor any portion of any of such sections, be suspended on any pretence whatever, namely:—Sections 5, 6, 7, 8, 9, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 34, 38, 39, 42, 44, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 95, 98, 99, 100, 101, 104, 106, 107, and 118.

PART II.

Collection and enforcement of Rates.

Times and modes of collection.

1. All rates levied or imposed by the Council under the provisions of the Municipalities Act of 1867, and for the purposes mentioned in the said Act, shall be collected once a year, and such rate shall be held to be due and payable on and after such days as the Council may from time to time appoint.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolutions at the time of making or imposing such rates, or any of them, having appointed.

Rates to be paid at office of Council Clerk.

3. All persons liable to pay any rates as aforesaid shall pay the amount thereof within the time prescribed by the Act into the office of the Council Clerk during office hours.

Defaulters.

4. It shall be the duty of the Council Clerk to furnish the Mayor with a list of names of all persons whose rates are unpaid at the expiration of the times fixed for payment of the same as aforesaid.

Mayor to enforce payment.

5. It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default, either by action at law or by issuing warrants of distraint upon the goods and chattels of the defaulter.

Enforcement by Distress.

Bailiff.—Tenure of office.

6. The Bailiff shall be appointed by resolution of the said Council, and shall be at any time removable by a like resolution.

Sureties for Bailiff.

7. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of twenty-five pounds each for the faithful performance of his duty.

Duties of Bailiff.

8. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrants of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall, on the sixth day, sell the goods so distrained, or a sufficient portion thereof by public auction, either on the premises or at such other place within the said municipal district as the said Bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after the making such distress.

Goods may be impounded.

12. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days hereinafter mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof. And any owner of the said premises, or occupier thereof, who shall in any way interfere with the said Bailiff in the discharge of his duties hereunder, shall on conviction forfeit a sum not exceeding five pounds.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked "C."

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Adamstown Municipal District, do hereby authorize you, _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for _____, being the amount of rates due to the said Municipal District, to the _____ day of _____, for the said dwelling-house, or land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.
Dated this _____ day of _____, 18____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of Adamstown, dated _____, distrained the following goods and chattels, in the dwelling-house, or in and upon the lands and premises of _____, situate at _____, within the said Municipal District, or &c., for _____, being the amount of rates due to the said Municipal District, or &c., to the _____ day of _____, 18____.
Dated this _____ day of _____, 18____.

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress.....	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum, in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale.....	1	0

PART III.

Preventing and extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-office, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials, to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place, as or for the covering of any such stack, any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds, and also shall remove such fence, stack, or covering or within a reasonable time after such conviction, and any person failing to remove such fence, stack, or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Fireworks.

3. Every person who shall light any bon-fire, tar-barrel, or firework upon or within sixty yards of any public or private street, or any public place, or shall sell gunpowder, squibs, rockets, or other combustible matter by gas, candle, or other artificial light, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

4. Every person who wilfully sets, or causes to be set on fire, any chimney-flue, smoke-vent, or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney, from liability to be informed against or prosecuted before any Criminal Court for such act as for an indictable offence.

Negligently suffering chimney to be on fire.

5. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case is heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Setting fire to matter without notice.

6. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air; within five yards of any dwelling house or other building or boundary or dividing fence within the said Municipality without having given notice in writing to the occupier of the land adjoining to the land upon which such matter shall be of his intention to do so, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall, for every such offence, forfeit a sum not exceeding five pounds.

Water-carters to attend at fires.

7. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises, or property shall be on fire within the municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor or by any Alderman or officer or person duly authorized by the Council in that behalf and then present, for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section, shall forfeit a sum not exceeding ten pounds.

Compensation for attendance at fires.—Rewards.

8. There shall be paid out of the municipal funds to the owner of every licensed water-cart who shall have attended with any water at the place of any fire as herein provided, and delivered the same as required for extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed in that behalf, and also to the owners of such carts as shall have first and second in order attended with loads of water, such further sums, by way of reward as, the Council may by similar resolutions have fixed.

PART IV.

Notices.—Streets and Public Places.—Public Health and Decency, &c.

Mode of calling for Tenders.

1. Whenever it is decided that any work shall be executed, or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice as hereinafter provided.

Drafts of intended By-laws.

2. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given, as hereinafter provided, that such draft is so lying for inspection.

How notices are to be published.

3. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation of the Council, or any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipality.

Persons obstructing officers of the Council.

4. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing, or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer, in any street, road, or other place within the said Municipality, shall forfeit and pay, for every such offence, a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported upon.

5. No new public road, street, way, park, or other place, proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been formed by the proprietor or proprietors, to the reasonable satisfaction of the Committee of Works, or any duly authorized officer, or until the said road, street, way, or park shall have been duly examined and reported upon to the Council by such Committee or duly authorized officer.

Dedication of new roads, &c.

6. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument, dedicating such road, way, park, or other place to public use or recreation as aforesaid, as may be considered necessary by the Committee for General Purposes; and such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

7. Whenever it may be deemed necessary to alter the level of any such public road, street, or way, as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed cuttings, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section, so signed and countersigned, shall be a record of the Council.

Roads and streets and encroachments thereon, &c.

8. The Committee for Works or the Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In making out such roads, streets, lanes, and thoroughfares recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Committee of Works or Surveyor or other officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of forty-two feet for the carriage-way, and twelve feet for the foot-way on each side where the road, street, lane, or thoroughfare shall be sixty-six feet wide, and in proportion and in the discretion of the Council, in any such road, street, lane, or thoroughfare, or other public place of other width than sixty-six feet. Provided that there shall be no change of level in any such public road, &c., until the same shall have been submitted and adopted by the Council as hereinafter provided. This By-law shall be read subject in all respects to the Width of Streets and Lanes Act of 1881. (45 Vic. No. 28.)

Pipes, gutters, &c.

9. It shall not be lawful for any person to carry, by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality; and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any officer of the said Council, shall, on conviction, forfeit and

pay any sum not exceeding two pounds nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain water by means of pipes laid under the surface of any such foot-ways into the gutter adjoining the same, subject to the approval of the Committee for Works or other duly authorized officer.

No balcony, &c., to project.

10. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-cornice, string-course, dressing, or other architectural decoration forming part of, or attached to, any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than thirty feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

11. The Surveyor or other such officer or person may at any time, on the order of the Council and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall, in this case, be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

12. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending, provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds; or, at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor be less than one pound; and, in case of every successive offence, the penalty on conviction not to be less than five pounds.

Or may proceed by action.

13. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstructions by digging, &c.

14. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations, and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall, on conviction, forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoards or fences to be erected.

15. Every person intending to build or take down any building within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or foot-way will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and hand rail, if there be room enough, to leave as a foot-way for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the officer of the Council of the said Municipality, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and any such person who shall fail to put up such fence or hoard or platform, with such hand-rail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council within a reasonable time afterwards, shall, for every such offence, be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

16. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or foot-way of any street or other public place within the said Municipal District, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot-way, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

17. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipal District, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner to the satisfaction of the Committee for Works of the said Municipal District, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining the foot-ways to be enclosed under penalty.

18. Every owner or occupier of any house, building, premises, or land within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot, waterhole, or excavated space, adjoining the foot-way of any street or public place in such Municipality, shall protect or guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the foot-way of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing or repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid, who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.—Penalty.

19. Every person who shall have a well or underground tank, used for domestic or other purpose, situated between his or her dwelling-house or the appurtenances thereof and any road, street, or foot-way within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or foot-way, shall cause such well to be securely and permanently covered over; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last-known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

20. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

21. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipal district any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such vehicle or barrow so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall, upon conviction, forfeit and pay for every such offence a sum not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Driving carriages, &c., on foot-ways, and throwing h, &c., &c.

22. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or foot-way of any street or other public place in the said Municipal District; or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or foot-way or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said foot-ways of any such street or public place any waggon, cart, dray, sledge, or other carriage, or any wheel, wheel-barrow, hand-barrow, or truck, or any hogshead, cask, or barrel or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such foot-way, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings, nor less than five shillings; for the second offence, a sum not exceeding five pounds, nor less than ten shillings; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound for each such offence.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front-shops.

23. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket-wares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, wash, or cleanse, or shall cause to be hooped, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot way in any street or public place within the said Municipal District; or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, or wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot way, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way or carriage-way, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises or over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall-board, show-board, chopping-block, basket-wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket-wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot way (or next unto any such street or public place as aforesaid), shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such awning shall be at least seven feet above the height of the foot-way, and that the posts be placed close to the kerbstone or outer edge of such foot-way.

Obstructing public pathways.

24. If the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any foot-path or foot-way on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of ten feet at the least, the said Council, by their servants, labourers, and workmen, may cut, or caused to be

cut or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall, on conviction for every such offence, forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Slop, night-soil, &c., to be conveyed away only at certain hours.

25. Any person or persons who shall drive or cause to be driven any cart or other carriage, with night-soil or ammoniacal liquor therein, through or in any street or public place within the said Municipal District, between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt or filth in or upon any such street or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council or by the Inspector of Nuisances, or shall remove night-soil or other offensive matter otherwise than in properly covered and watertight carts or other vehicles, or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances, shall, for every such offence, forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

26. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins only expected), 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 that he cannot have the direction and government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; 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 by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

27. Any person who shall ride or drive through or upon any street or public place within the said Municipal District so negligently, carelessly, or furiously, that the safety of any other person shall or may be endangered, shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Breaking-in horses, &c.

28. Any person or persons who shall in any street, road, or public place within the said Municipality, drive any carriage or carriages for the purpose of breaking-in, exercising, or trying horses, or shall ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, or showing or exposing for sale, any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places, shall forfeit and pay any sum not exceeding forty shillings; and any person who shall within the said Municipality furiously or carelessly drive any horse, mare, or gelding, to or from any public watering place, creek, or river, or pasturage, or elsewhere, shall forfeit and pay any sum not exceeding forty shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

29. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place, or dwelling-house in the said Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall, on conviction, forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

*Public Property.**Injuring or extinguishing lamps.*

30. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

31. Any person who shall damage any public building, toll-gate, toll bar, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the said Municipality, shall pay the costs of repairing the same, and, if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

32. If any person or persons shall past, or cause to be pasted, or otherwise affix any placard or other paper, or chalk or paint, upon any wall, fence, culvert, kerbstone, path-way, hand-rail, or any other property of the Council, shall forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

33. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

*Nuisances.**Dead animals, &c., not to be thrown into any public watercourse, &c.*

34. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, road, or path-way; or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such watercourse, waterhole, river, creek, or canal, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the foot-ways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels or other contrivances, filth of any kind whatsoever to flow into any public watercourse, waterhole, river, creek, or canal; or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds.

Dead animals—mode of removal.

35. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place, if private property where such animal shall have died, shall not cause such animal to be immediately destroyed by fire or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence, forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Swine not to be kept, or swine, horse, goat, &c., suffered to wander about the streets.

36. Any person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament, situate and being in or within twenty yards of any street or public place in the said Municipal District, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street or public place, shall, on conviction, forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Cleansing butchers' shambles, slaughter-houses, &c.

37. For preserving the cleanliness of the said Municipal District and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council, from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments in the said Municipal District, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises, &c.

38. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council,

shall make an inspection of the premises complained of; and the officer of the said Council shall have the full power, with out any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

39. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than two pounds:—

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the foot-way thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place the carcase or any part of the carcase of any newly-slaughtered animal, without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the foot-path, to the danger or annoyance of any person.
- (4.) Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).
- (6.) Every blacksmith, whitesmith, anchor-smith, and nail-maker, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening, within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.
- (7.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
- (8.) Every person who shall carry goods or any frame to the annoyance of any person upon the foot-way of any street or other public foot-way.
- (9.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

*Premises in state to endanger public health.**Houses to be purified on certificate of two medical practitioners.*

40. If, upon the certificate of any two duly qualified medical practitioners, it appear to the Council that any house or any part thereof, or the premises occupied in connection therewith, within the limits of the said Municipal District, is in such a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the white washing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious diseases, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith to white-wash, cleanse, or purify the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds; and the said

Council shall, if they shall think, cause such house, building, or part thereof, or the premises occupied in connection therewith, to be white-washed, cleansed, or purified; and for such purposes the proper officers, servants, and workmen of the said Council shall have power to enter the same, and the expense incurred by the Council in so doing shall be paid by the owner or occupier.

Offences against public decency.

Bathing prohibited within certain limits.

41. Any person who shall bathe near to or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the said Municipal District between the hours of five o'clock in the morning and eight in the evening, shall, on conviction, forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

42. Any individual who shall offend against decency by the exposure of his or her person in any street or public place within the said Municipal District, or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Houses of ill-fame.

43. Upon representation of any respectable ratepayer that any house or premises within the Municipality and near to the residence of such ratepayer, is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, sexes, ages, and occupations of all the inmates of the said house or premises, and upon non-compliance with such request, or if upon consideration the said Committee consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated, the holder of such house or premises or other person residing or being therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house or such other person residing or being therein as aforesaid shall forfeit and pay for such second offence a sum of not less than five pounds nor more than fifty pounds. And if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house, &c., as aforesaid shall, for such third offence, forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

PART V.

Noisome and Offensive Trades.

1. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance, as hereinafter stated, to be inhabitants thereof.

Definition of noisome and offensive trades.

2. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of or in connection therewith, or from the premises where the same is conducted, followed or carried on, any gas, vapour, effluvia, or any large quantities of smoke shall be evolved or discharged with gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of any member of his or her family, the Inspector of Nuisances or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and the premises or property of the complainant, and shall inquire into the grounds for such complaint and shall report thereon to the said Council; and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome and offensive trade," within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid the same

shall wholly and permanently cease to be noisome and offensive, within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall, for the first offence, forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence, a sum of not less than five pounds nor more than twenty-five pounds; and for the third and every subsequent offence, a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome and offensive trade" is about to be commenced.—Penalty.

4. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws, to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome and offensive" within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Inspector of Nuisances may take legal proceedings.

5. The Inspector of Nuisances or other person appointed by the Council, may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Penalties to be paid over to the Treasurer.

6. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

7. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor: and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipality of Adamstown."

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary, under the provisions of the Act 14 Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement, other than a place licensed as aforesaid, or a place of public amusement hereinafter specially provided for, to be used as such for hire or profit within the said Municipality, unless and until permission, in writing, be granted by the Mayor.

Penalty for exhibiting, &c., without license.

2. Every person holding or keeping any such exhibitions or using any place within the said Municipality for public amusement as aforesaid, or causing or permitting such place to be so used without such permission of such Mayor, shall forfeit and pay a sum not less five shillings nor more than forty shillings, for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

No exhibitions, &c., on Sundays, &c.

3. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purpose of such public amusements on Sundays, Christmas Day, or Good Friday, and every person offending against this By-law in this behalf, shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

PART VII.

Water Supply.

Polluting water reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatever, or shall cause or permit or suffer to run or to be brought therein the water of any sink, sewer, drain, engine, or boiler,

or other filthy, unwholesome, or improper water, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks, as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than ten shillings nor more than five pounds; and for the third and every subsequent offence, any sum not less than one pound nor more than twenty pounds.

Wilful waste of water.

2. Whosoever being supplied with water by the Council from any waterworks, fountain or reservoir, or of belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied or to which he shall have such access, shall forfeit and pay, for the first offence, any sum not exceeding five pounds; for a second offence, any sum not less than one pound nor more than twenty pounds; and for a third and every subsequent offence, any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow a淤 accumulation of drift or silt to accumulate in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds; and if, after such second conviction, such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds, nor more than fifty pounds; and if, within a reasonable time after a third or any further conviction, he shall still fail to remove such dam or embankment, he shall, for every such offence, forfeit and pay a sum of fifty pounds.

Diverting water from reservoirs.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks, or some watercourse leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay, for the first offence, any sum not less than one pound nor more than twenty pounds; for a second offence, any sum not less than two pounds nor more than forty pounds; and for a third and every subsequent offence, any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Parks.

Powers as to number and description of stock lessee entitled to depasture.

1. The Council shall from time to time, as often as occasion shall arise, determine and declare the number and description of cattle and other stock any lessee or grantee shall have the right to depasture on the park, or recreation ground situate within the said Municipality.

Power to grant common of pasture.

2. The Council shall have power to grant to any person or persons or any number of different persons for any period not exceeding twelve calendar months the common of pasture and right, title, advantage, and privilege of and to common of pasture and feeding of stock of, into, and upon the said park or public recreation ground situate in the said Municipality, or under the control of the said Council, and all manner of privileges, appurtenances, and appurtenances whatsoever in any wise thereunto belonging, subject to the Acts and Regulations relating to commons.

Power to distrain and impound trespassing stock.

3. The grantee or grantees, Inspector of Nuisances, or other proper officer of the Council, shall have power to distrain and impound any cattle or other stock found trespassing upon the said park or public recreation ground, and also to claim and demand and recover such damages (not exceeding ten pounds in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private lands in respect of animals found trespassing and doing damage upon the same.

Rights of grantees.

4. That all and every the person or persons, entitled under such grant or grants for the time being to the use of the said park or public recreation ground, shall have all the same rights and remedies between themselves and against strangers as by the laws of this Colony in relation to commons are possessed and enjoyed by commoners.

Wilful trespass.

5. Every person who shall wilfully let in or knowingly suffer to enter upon the said park or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary-marks.

6. Any person pulling down, destroying, defacing, or injuring any marks marking the limits of the said park or public recreation ground, or any fence or other erection thereon, without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for destroying herbage, trees, &c.

7. All persons who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, burn, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, or the herbage growing in or upon the said park or public recreation ground, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in the use of park.

8. Any person who shall unlawfully cause any annoyance or inconvenience to any other person in the free use and enjoyment of the said park or public recreation ground, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Persons committing offences in neighbourhood of park.

9. Any person who shall be found committing any breach of any By-law affecting the said park or public recreation ground not expressly provided for in this "Part" of these By-laws, or who shall, by disorderly or insulting conduct in the immediate neighbourhood of such park or public recreation ground, cause any annoyance or inconvenience to persons on the said park or public recreation ground, or going to or coming from the same, may be removed by force by any ranger or other proper officer appointed by the Council, which officer shall have the power to call in the aid of the police; and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for trespass.

10. Any person who shall, without the authority of the Council, be found occupying any portion of the said park or public recreation ground, either by residing or by erecting any tent, hut, or building thereon, or by clearing, digging up, enclosing, or cultivating any part thereof, shall be liable on conviction to a penalty not exceeding ten pounds nor less than one pound.

Lawful games.

11. The Council shall, with the consent of the majority of the Aldermen assembled at any meeting, have power to grant to any person or persons, for any period not exceeding twelve calendar months, the right to play any lawful game on the reserve.

PART IX.

For the Regulation of Public Vehicles.

BY-LAWS for the regulation and licensing public carriers, carts, water drawers, and public vehicles, omnibuses, cars, hackney-carriages, cabs, water-carts, drays, carts, or vans, and the drivers and conductors of passenger-carrying vehicles.

All vehicles to be licensed.

1. No vehicle shall ply or be used for hire within the Municipality, unless the same be duly licensed in the manner herein described.

Requisition to be made for license.

2. Before any license for plying a vehicle, or to drive or to conduct the same, shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of Schedule A hereto, or to the like effect, and duly fill up and sign the same, and deliver it to the Council Clerk; and, in the case of drivers or conductors, shall also obtain a certificate from two respectable householders to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be.

Conditions under which licenses to be granted.

3. No license shall be granted in respect of any vehicle which, in the opinion of three Aldermen who shall be appointed by resolution of the Council of the said Municipality, is unsafe or in bad repair or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle, or any such other place or places and in such manner as the said three Aldermen may direct.

Licenses, and how to be issued.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereto annexed, marked with the letter B, or the like effect; and any person plying, driving, or conducting any vehicle for hire with passengers without such license, shall be deemed guilty of a breach of these By-laws.

Licenses to be under corporate seal.

5. Every license granted under these By-laws shall be under the common seal of the Council, and signed by the Mayor and countersigned by the Council Clerk, upon production of a certificate signed by the Aldermen who shall be appointed as aforesaid, and shall be in force from the date of such license until the 31st day of December next ensuing, subject to the conditions in By-law 10; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be then specified and endorsed on the license: signed by the Mayor and countersigned as aforesaid.

Age of drivers.

6. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years.

Licenses to be made out by the Council Clerk.

7. All licenses shall be made out by the Council Clerk and numbered consecutively.

Owner of vehicle.

8. The person in whose name a license shall appear to have been obtained shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

Inspection of vehicles.

9. The three Aldermen aforesaid shall, as often as they may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses; and if any such vehicles, harness, horse, or horses, shall at any time be found by the said Aldermen to be unfit for use, the Mayor may cancel the license of such vehicle on the written report of the said Aldermen.

Number of license to be painted on vehicle.

10. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney-carriage or cab, in figures not less than two inches in height, of proportionate breadth, white upon a ground of black, shall be painted outside on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Aldermen aforesaid shall direct; and such numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

Table of fares, &c, to be fixed to vehicle.

11. The number of the license of every hackney-carriage or cab, on a card or plate six inches by three inches, painted or printed in clear legible figures, and the table of fares fixed by the Council, shall be affixed at the upper part of the front panel, or in such other place or places inside of such carriage or cab as the three Aldermen aforesaid, may direct; and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

Term applied to vehicles.

12. So far as concerns fares in these by-laws, any vehicle, of whatever form or construction, for which a hackney-carriage license has been taken out, if drawn upon four wheels shall be deemed to be a hackney-carriage, and if drawn upon two wheels a cab.

Water carts.

13. The Council shall from time to time license to ply within the Municipality such carts for the sale and carrying of water as shall upon inspection be found fit for that purpose. Every such cart shall be, or shall contain or carry, a vessel or tank capable of containing not less than fifty gallons, and shall have the name of the owner and the words "licensed water-cart" painted on such cart in legible letters.

Water license—how obtained, &c.

14. Every such license shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such license there shall be paid to the Council the sum of two shillings and sixpence, and every such license shall be in force until the 31st day of December next ensuing after the granting of the said license.

Hawking water.—Penalty.

15. Any person hawking or carrying water for sale or hire, otherwise than in a licensed water-cart as aforesaid, shall, upon conviction, be liable to a penalty not exceeding one pound.

Name and place of abode to be painted on licensed carts, &c.

16. The name and place of abode, number of license, and the words "licensed cart, dray, or van," as the case may be, are to be painted in letters one inch long upon the right or left side of such cart, dray, or van.

Vehicles to carry lights, &c.

17. All vehicles shall be provided with suitable carriage lamps to burn candles, one to be fixed on each side of the driver's box, and a third on inside of all omnibuses and closed

coaches; and the same shall be lighted not later than one hour after sundown, and be kept burning while the vehicles are on the stand or running in the streets, either with or without passengers.

Number of passengers to be carried.

18. When any carriage is submitted for inspection by the owner or other applicant with a view to obtain a license, the Aldermen appointed by the Council for that duty shall then determine upon the number of passengers the vehicle shall be permitted to carry, and give a certificate to that effect, such number to be mentioned in the license.

Legal fares, &c., to be painted on vehicles.

19. The number of passengers the vehicle is licensed to carry, and the legal fare, shall be painted or printed in legible characters and affixed within and without the vehicle in such places as the inspecting Aldermen shall direct.

Penalty for breaking By-laws.

20. For every offence against the provisions of these By-laws the offender shall, upon conviction, forfeit and pay a penalty of not more than twenty pounds nor less than ten shillings.

Vehicle not to be drawn faster than a walk past place of worship on Sunday.

21. No licensed vehicle shall be drawn by any animal or animals past a place of public worship on Sundays during Divine Service at a faster pace than a walk, and no bugle, horn, whistle, or other instrument shall be used on that day for the purpose of attracting the attention of passengers.

Description of persons not allowed to travel in vehicle.

22. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving, as to occasion any annoyance or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, nor use the same for eating his meals therein.

Vehicle not to carry greater number of passengers than licensed for.

23. No driver or conductor shall admit to the inside, or allow on the outside, of any omnibus, at any one time, a greater number of passengers than the number it shall be licensed to carry, inside or outside, as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of eighteen inches, measuring in a straight line lengthwise on the front of each seat, nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger within the meaning of these By-laws; no passenger to carry more than one child.

Fare not to be increased until 10 p m.—Driver, &c., not to refuse to carry passengers.

24. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large unmovable figures in some conspicuous place inside and outside the omnibus as the fare for which such omnibus plies: Provided that no fare shall be increased except between the hours of ten o'clock at night and five o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room and to whom no reasonable objection can be made under these By-laws; nor, in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot-passengers usually cross the carriage-way.

Fare to be paid upon taking seats—Driver and conductor to be provided.

25. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded after the commencement of his journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver.

Property found in vehicles to be delivered at Council Clerk's Office.

26. The driver of any carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or person, shall be delivered to the driver or conductor, who shall deliver the same, with any other property found by him, within eighteen hours after such finding, to the Council Clerk's office, and there shall deposit it; and no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time before-mentioned, but shall deposit it at the office at the Council Chamber with the Council Clerk or his assistant.

Licensee fees to be paid to Council Clerk.

27. For every license issued under the By-laws in force for the time being in that behalf within the said Municipality, there shall be paid to the Council of the said Municipality, by delivering the same to the Council Clerk or other person authorized to receive the same, the several sums mentioned or set forth in Schedule C to these By-laws for the general purposes of the said Borough.

Terms to be applied to licensed vehicles.

28. Whenever the word "vehicle" shall be used in these By-laws, the same shall be construed to extend and apply to any omnibus, car, hackney-carriage, or cab. The word "omnibus" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, having seat accommodation for more than ten passengers and a driver. The word "car" shall extend and apply to any vehicle upon two or four wheels drawn by one or more horses, having seat accommodation for not more than ten or less than five passengers and a driver. The word "hackney-carriage" shall extend and apply to any vehicle upon four wheels, drawn by two or more horses, and having seat accommodation for not more than five passengers and a driver, and in respect of which a hackney-carriage license within the said Municipality shall have been obtained. The word "cab" shall extend and apply to any vehicle upon two wheels, having seat accommodation for not more than two passengers and a driver, in respect of which a cab license within the said Municipality shall have been obtained. The word "cart" shall extend and apply to any cart, dray, van, or waggon, drawn by one or more horses or other animals, used wholly and for the carriage of goods and parcels. The word "water-cart" shall extend and apply to any cart used for the carriage of water within the said Municipality in respect of which a water-cart license shall have been obtained.

Fares to be charged.

29. No proprietor or driver of any hackney-carriage or cab within the said Municipality shall demand, receive, or take more than the several fares or sums mentioned or set forth in the Schedule D to these By-laws, or such other sums as the Council of the said Municipality shall from time to time determine or appoint in substitution therefor as hereinafter provided; and every proprietor, driver, or conductor failing to comply with this By-law shall, for every such offence, forfeit and pay a penalty or sum of not exceeding five pounds nor less than five shillings.

Power of Council to amend scale of fares, &c.

30. The Council of the said Municipality may from time to time, by resolution passed in that behalf, alter and vary or amend the said Schedule D and the respective sums chargeable thereunder or any of them, and such alterations, variations, or amendments shall become of full force and effect so soon as the same shall have been publicly notified by advertisement in the New South Wales Government Gazette and at least one newspaper circulating in or near the said Municipality; and the Council of the Municipality shall not be responsible for any loss which such alterations or amendments may have or may be alleged to have occasioned to the holders of licenses for the time being or any of them.

Toll to be paid by hirer.

31. All tolls to be paid by the hirer of any hackney-carriage or cab, in addition to the ordinary fare.

Passengers to be taken up, &c.

32. No driver of any hackney-carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Municipality as he, she, or they may reasonably desire; and every person failing to comply with this By-law shall forfeit and pay a penalty or sum not exceeding five pounds for every such offence.

Cab-stand, &c.

33. The Council shall by resolution, to be publicly notified as in By-law 30 of this "Part," from time to time appoint any place or places within the said Municipality as stands for licensed hackney carriages, cabs, and omnibuses within the said Municipality.

34. No vehicle shall be allowed to stand or remain stationary on any street within the said Municipality, except on the duly appointed cab-stand for the time being, for a longer period than the time reasonably necessary to take up or set down any passenger or passengers for the time being requiring or using the same, or for loading or unloading or receiving or delivering the goods or parcels which the driver of such vehicle shall have been employed to carry; and any driver or proprietor of any such vehicle remaining stationary contrary to this By-law shall, for every such offence, forfeit and pay a penalty or sum of not exceeding five pounds nor less than five shillings.

Driver not to leave his horse or horses.

35. No driver of any licensed vehicle shall be or remain at such a distance from his horse or horses while attached to his vehicle anywhere within the said Municipality as not to have immediate and full control over the same; and every person so doing shall, for every such offence, forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Speed at which to travel.

36. All hackney-carriages, cabs, or omnibuses carrying passengers shall (except when turning street corners) proceed at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer; and every driver of any such carriage, cab, or omnibus, failing to comply with this By-law shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Copies of Schedule D to be printed and fixed at cab-stand.

37. Copies of the said Schedule D hereto shall be printed or written in legible characters, and exhibited on boards placed in conspicuous positions—one at each cab-stand within the Municipality, and one at the Railway Station, in such place as the Commissioner for Railways may approve.

Copies of By-laws to be given with license.

38. Copies of these and of all other By-laws passed by the Council of the said Municipality, for the regulation of licensed vehicles, and still remaining in force, shall be delivered with each license issued, unless the person shall have previously received copies thereof.

Penalty to be enforced for breach of By-laws.

39. All proprietors and drivers of licensed vehicles shall at all times be amenable to and observe and comply with the By-laws for the time being in force for the care and management of the public roads, public streets, and public thoroughfares within the said Municipality, and for every breach thereof shall incur the same penalties as other persons.

40. Any person offending against any of these By-laws shall, except when otherwise expressly provided, forfeit and pay a sum not exceeding two pounds nor less than five shillings for every such offence.

SCHEDULE A.

A requisition for license.

To the Municipal Council of Adamstown.

I, _____ residing at _____ street, within the Borough (or &c.) do hereby request that a license may be granted to me to _____ within the limits of the said Municipality (or &c.).

Dated at _____ this _____ day of _____ A.D. 18 _____.

Description of vehicle. _____

SCHEDULE B.

Form of license for driver or conductor.

This is to certify that _____ of _____ street, is hereby licensed to _____ from the _____ day of _____ to the 31st day of December, 18 _____, inclusive, within the District of Adamstown, subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

SCHEDULE C.

Table of license fees payable by proprietors and drivers of licensed vehicles.

Proprietors of omnibuses and coaches, &c.	£1 10s. per year.
Cabs	£2 per year.
Water-carts, drays, carts, &c.	2s. 6d. per year.
For every driver's license for a vehicle to carry passengers	5s. per year.

SCHEDULE D.

Table of maximum fares chargeable by drivers or proprietors of licensed hackney carriages, omnibuses, coaches, &c., within the Municipality of Adamstown.

For a cab to carry one or two persons.	
For not exceeding quarter of an hour.	s. d. 1 0
For every subsequent quarter of an hour or part thereof within the first hour of hiring	1 0
For every quarter of an hour or part thereof after the first hour	0 9
For a hackney-carriage to carry five persons.	
For any time not exceeding half an hour	s. d. 2 6
For any time exceeding half an hour, but not exceeding one hour	5 0
For every quarter of an hour or part thereof after the first hour	1 0

Made and passed by the Council of the Municipal District of Adamstown, in the year of our Lord one thousand eight hundred and eighty-seven, this 15th day of September.

(L.S.) HENRY EVANS,
Mayor.

WILLIAM LEE,
Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF ALEXANDRIA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office, Sydney, 11th August, 1887.

BOROUGH OF ALEXANDRIA.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Alexandria, under the "Municipalities Act of 1867," for establishing and regulating a toll-bar within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

WHEREAS it has been deemed expedient by the Municipal Council of the Borough of Alexandria to place a toll-gate on the Mitchell Road, for the purpose of collecting tolls for the maintenance and repairs of the said road, they, the said Municipal Council, have agreed to the following By-laws for establishing and regulating the same, for the scale of tolls to be levied, and for collection of said tolls:—

That a gate be erected on the Mitchell Road, at Sparke's Bridge, with a catch-bar across Copeland-street, at its junction with the Mitchell Road.

That the following scale of tolls be levied on every vehicle or animal passing through the said gate each time, the said vehicles or animals being allowed to return without such toll being demanded:—

	s.	d.
For every sheep, goat or pig	0	0½
For every ox or head of neat cattle	0	1
For every horse, mare, gelding, ass, or mule	0	1
For every cart, dray, or other such vehicle, with two wheels, drawn by one horse or other animal	0	2
If drawn by two horses or other animals	0	3
And for every additional horse or other animal	0	1
And for every wain, waggon, or other such carriage with four wheels, drawn by two horses or other animals	0	4
And for every additional horse or other animal drawing such carriage	0	1
For every gig, chaise, or other such carriage with two wheels, drawn by one horse or other animal	0	3
If drawn by two horses or other animals	0	4
For every coach, chariot, or other such carriage with four wheels, and drawn by one horse or other animal	0	5
If drawn by two horses or other animals	0	6
And for every additional horse or other animal	0	1

That for every vehicle with four wheels, usually drawn by two or more horses, affixed, tied, or secured to any other vehicle, there shall be paid for such vehicle the same rate of toll as if drawn by two horses.

And for every vehicle with two wheels, the same rate of toll as if drawn by one horse.

Provided always that if any such vehicle so tied or secured to any other vehicle shall contain any goods other than the harness thereto belonging, and such articles of packages as may be necessary for the protection of such carriage or passengers, the same shall be liable to double the toll hereby imposed.

The said toll-gate and catch-bar shall be sold annually, for a term of twelve months, by auction or otherwise, as the Council may deem expedient.

Any person with any horse, beast, or carriage going off or passing from the road through or over any land or ground

near or adjoining, not being a public highway, with intent to evade payment of toll, or if any person shall give or receive from any person other than a collector of tolls, or shall forge, counterfeit, or alter any note or ticket with intent to evade the payment of tolls or any part thereof, or if any person shall neglect or refuse to pay toll or shall fraudulently or forcibly pass through such toll-gate with any beast or carriage or shall leave upon the said road any beast or carriage whatsoever by reason whereof the payment of any toll shall be avoided or lessened, or shall take off or cause to be taken off any beast from any carriage either before or after having passed through such toll-gate, or having passed through the gate shall afterwards add or put any beast to any such carriage and draw therewith upon any part of road so as to increase the number of beasts drawing the said carriage after the same shall have passed through the said toll-gate whereby the payment of toll shall or may be lessened, or if any person shall do any other act whatsoever in order or with intent to evade the payment of toll and whereby the same shall be evaded; every such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

Any person or persons whomsoever shall wilfully or maliciously pull or cut down, pluck up, throw down, break, level, or otherwise damage, demolish, or destroy the toll-gate or toll-house or any chain, post, rail, bar, wall, or other fence or fences of or belonging to such toll-gate or any other chain, post, bar, or fence of any kind whatsoever used therewith, or set up or erected or hereafter to be set up or erected to prevent passengers or travellers or their beasts or carriages from passing without paying toll or any house or houses erected or to be erected for the use of such toll-gate, or shall forcibly rescue any person or persons being lawfully in custody of any officer or other person for any of the offences hereinbefore mentioned, then and in each and every such case every person so offending shall forfeit and pay for every such offence a sum not exceeding forty shillings over and above the damages occasioned thereby.

Any person or persons whosoever shall wilfully pull down break, injure, or damage any table of tolls put up at the toll-bar as aforesaid, or shall wilfully or designedly deface, or obliterate any of the inscriptions, letters, figures, or marks thereon, or if any person or persons shall wilfully pull up, throw down, cut, break, injure, damage, or destroy any post, rail, or fence placed or to be placed or put up, either by the side or sides of the road, shall forfeit and pay a sum not exceeding £3 over and above the damages occasioned thereby.

(L.S.) C. JESSON,
Mayor.

KELSON VAUGHAN,
Council Clerk.

Town Hall, Garden-street,
1st September, 1886.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BALMAIN—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158, and sec. 4 of the Borough of Balmain Wharves Act.

Colonial Secretary's Office,
Sydney, 19th April, 1888.

BALMAIN MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Balmain, under the "Municipalities Act of 1867" and the "Borough of Balmain Wharves Act of 1887," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BOROUGH OF BALMAIN.

BY-LAWS of the Borough of Balmain, made under the "Municipalities Act of 1867" and "Borough of Balmain Wharves Act of 1887."

1. That the wharves situate within and belonging to the Borough of Balmain are public wharves, at which tolls, rates, and dues may be collected under the Municipalities Act of 1867.

2. That the Municipal Council for the time being of the Borough of Balmain, or any person or persons authorized by and acting for and on behalf of the said Council, or any lessee or lessees of any of the said wharves, shall be entitled to and may charge, demand, and receive, at each of the said wharves respectively, such tolls, rates, and dues as shall from time to time be named or fixed by any resolution of the said Council, but not exceeding the amounts following, that is to say:—For each steamer embarking or landing passengers or cargo at any of the said wharves, for each trip two shillings and sixpence; from every licensed waterman plying for hire to or from any of the said wharves, for each week one shilling; for all other vessels embarking, loading, or discharging any cargo at any of the said wharves, sixpence for each ton or for any quantity less than a ton embarked, loaded, or discharged at one time; and for every steamer or vessel moored or fastened to or lying alongside any of the said wharves, and from or in which passengers or cargo are not actually being landed, embarked, loaded, or discharged, the sum of twelve shillings for each day or part of a day during which such steamer or vessel shall be so moored, fastened, or lying; but it shall be lawful for the said Council from time to time to enter into any agreement with the owners or proprietors, or persons in charge or command of such steamers or vessels, for the payment of a certain sum weekly or otherwise for and in respect of such landing or embarkation of passengers as aforesaid, or in respect of the

embarking, loading, or discharging of any such cargo as aforesaid, or of such steamer or vessel being so moored, fastened, or lying alongside as aforesaid.

3. If any person shall embark or land any passenger or cargo from any steamer, or cause or permit any passenger or cargo to be so embarked or landed, or shall embark, load, or discharge, or cause or permit to be embarked, loaded, or discharged, any cargo at, upon, or from any of the said wharves; or, being a licensed waterman, shall ply for hire to or from any of the said wharves; or if any person shall cause any steamer or other vessel to be fastened by a warp or otherwise to, or to be moored or lie alongside, any of the said wharves without having first paid the said tolls, rates, or dues, or entered into the agreement referred to by these By-laws; or if any person shall cause any steamer or vessel to lie alongside of, or to be fastened to, any of the said wharves for any period beyond what may be reasonably necessary for the purpose of landing or embarking passengers, or embarking, loading, or discharging cargo as aforesaid; or if any person who shall be apparently in charge or command of any steamer or vessel shall not remove the same from any of the wharves immediately upon being required so to do by any authorized officer of the said Council,—every person so offending shall be liable, on summary conviction, to pay a penalty for the first offence not exceeding £5, for the second offence a sum not less than £5 nor exceeding £10, and for the third and every subsequent offence not less than £10 nor exceeding £20. And all such tolls, rates, and dues may be sued for and recovered by or on behalf of the said Borough in any Court of competent jurisdiction.

Made and passed by the Council of the Borough of Balmain, this the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and eighty-seven.

H. B. MACINTOSH,
Council Clerk.

(L.S.) W. M. BURNS,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BATHURST—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 21st June, 1888.

BOROUGH OF BATHURST.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Bathurst, under the "Municipalities Act of 1867," for Regulating and Licensing Vehicles, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF BATHURST.

BY-LAWS for the regulating and licensing of public carriers, carters, water drawers, and public vehicles, omnibuses, cars, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers and conductors of passenger-carrying vehicles.

1. No vehicle shall ply or be used for hire within the Borough of Bathurst, unless the same be duly licensed in the manner hereinafter described.

2. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the person requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of the Schedule hereunto annexed marked with the letter A, or to the like effect, and duly fill up and sign the same and deliver it to the Council Clerk; and all drivers and conductors shall obtain a certificate from two respectable householders setting forth that the applicant is of good character and competent to act as such driver or conductor as the case may be.

3. No license shall be granted if in the opinion of a Board of five Aldermen, three to form a quorum, who shall be appointed by a resolution of the Council, any vehicle is unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor shall it be licensed until the number of such vehicle be painted thereon, as provided by numbers 10 and 11 of these By-laws respectively.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereunto annexed marked with the letter B, or to the like effect; and no person shall ply, drive, or conduct any vehicle for hire without such license.

5. Every license granted under these By-laws shall be under the Common Seal of the Borough of Bathurst, and signed by the Mayor, and countersigned by the Council Clerk, and shall be in force from the date of such license until the 31st day of

December next ensuing, subject to the conditions in By-law 9; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be then specified and endorsed on the license signed by the Mayor and countersigned as aforesaid.

6. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years.

7. All licenses shall be made out by the Council Clerk and numbered consecutively.

8. The person in whose name a license shall appear to have been obtained shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

9. The three Aldermen aforesaid shall, as often as they may deem it necessary, cause an inspection to be made of all or any licensed vehicles and of the harness, horse, or horses; and if any such vehicle, harness, horse, or horses shall at any time be found by the said Aldermen to be unfit for use, the Mayor may cancel the license of such vehicle on the written report of the said Aldermen.

10. The number of the license granted to every omnibus or car in figures not less than four inches in height, and for every hackney carriage or cab in figures not less than two inches in height, of proportionate breadth, white upon a ground of black, shall be painted outside on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Aldermen aforesaid may direct, and such numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

11. The number of the license of every hackney carriage or cab shall be painted or printed in clear legible figures on a card or plate six inches by three inches, with the table of fares fixed by the Council, and shall be affixed at the upper part of the

front panel, or in such other place or places inside of such carriage or cab as the three Aldermen aforesaid shall direct; and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

12. Carters, plying for hire, of water-carts, drays, or vans, are to be registered at the Council Clerk's Office and receive a license, for which each applicant shall pay in accordance with Schedule C.

13. The owner's name and place of abode, in letters two inches high and proportionately broad, and the number of license, and the words "licensed cart, dray, lorry, or van," as the case may be, in letters one inch long, shall be painted upon the right or off side of such cart, dray, lorry, or van, legibly in white letters on a black ground.

14. All vehicles licensed to carry passengers shall be provided with suitable carriage-lamps to burn candles, one to be fixed on each side of the driver's box, and a third one inside of all omnibuses and closed coaches, and the same shall be lighted not later than half-an-hour after sundown, and kept burning while the vehicle is on the stand or running the streets, either with or without passengers.

15. When any carriage is submitted for inspection by the owner or other applicant, with the view to obtain a license, the Aldermen appointed by the Council to that duty shall then determine upon the number of passengers the vehicle shall be permitted to carry, and give a certificate to that effect, such number to be mentioned in the license.

16. The number of passengers each vehicle is licensed to carry, and the legal fare, shall be printed or painted in legible characters and affixed within and without the vehicle, as directed by the inspecting Aldermen.

17. No licensed vehicle shall be driven past a place of public worship on Sundays during Divine Service at a quicker pace than a walk, and no bugle, horn, whistle, or other instrument shall be used on that day for any purpose.

18. No person suffering from any infectious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person, or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance, or to disturb the public peace; and no passenger shall carry on any licensed passenger-carrying vehicle any animal, or any substance of any offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

19. No driver or conductor shall carry on any omnibus at any one time a greater number of passengers than the number it shall be licensed to carry inside or outside, as the case may be, and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of 18 inches, measuring in a straight line lengthwise on the front of each seat, nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger, and no passenger to carry more than one child.

20. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large immovable figures in some conspicuous place both inside and outside the omnibus as the fare for which such omnibus plies: Provided that no fare shall be increased, except between the hours of 10 p.m. and 5 a.m., and no driver or conductor of any omnibus shall neglect or refuse to admit and carry any person for whom there is room, and to whom no reasonable objection can be made under these By-laws, nor, except in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage way.

21. Any person having taken his seat in or upon any omnibus shall pay the fare when demanded, after the commencement of his journey.

22. The driver and conductor of any vehicle shall carefully examine the same immediately after setting down all passengers, and in every case of property having been left in such vehicle by any person having used or hired the same, such property, if found by another passenger or other person, shall be delivered to the driver or conductor, who shall deliver the same, with any other property found by him, within twelve hours after such finding, at the Council Clerk's office; and no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time before mentioned, but shall deposit it at the Council Clerk's office as before mentioned.

23. For every license issued under these By-laws there shall be paid to the Council Clerk, or other officer authorized by the Council to receive the same, the several sums set forth in Schedule C to these By-laws.

24. Wherever the word "vehicle" shall be used in these By-laws, the same shall be construed to extend and apply to any coach, omnibus, car, hackney carriage, cab, cart, water-cart, or lorry. The word "omnibus" shall apply to any vehicle upon four wheels, drawn by two or more horses, having seat accommodation for more than ten passengers and a driver. The word "car" shall apply to any vehicle upon two or four wheels, drawn by one or more horses, having seat accommodation for not more than ten nor less than five passengers and a driver. The word "hackney carriage" shall apply to any vehicle upon four wheels, drawn by two or more horses, having seat accommodation for not more than five passengers and a driver, and in respect of which a hackney carriage license shall have been obtained. The word "cab" shall apply to any vehicle upon two wheels, having seat accommodation for not more than two passengers and a driver, in respect of which a cab license shall have been obtained. The word "cart" shall apply to any cart, dray, or van drawn by one or more horses, and used for the carriage of goods or parcels. The word "lorry" shall apply to any waggon, trolley, or timber carriage drawn by two or more horses. The word "water-cart" shall apply to any cart used for the carriage of water, in respect of which a water-cart license shall have been obtained.

25. No proprietor or driver of any hackney carriage or cab shall demand or receive more than the several fares or sums set forth in Schedule D to these By-laws, or such other sums as the Council of the said Borough shall from time to time determine or appoint in substitution thereof as hereafter provided.

26. The Council of the said Borough may from time to time by resolution passed on that behalf, alter, vary, or amend the said Schedule D, and the respective sums chargeable thereunder, or any of them, and such alterations shall become of full force and effect so soon as the same shall have been publicly notified by advertisement in the New South Wales Government Gazette, and at least one newspaper circulating within the Borough; and the Council of the said Borough shall not be responsible for any loss which such alterations may have or may be alleged to have occasioned to the holders of licenses for the time being, or any of them.

27. No driver of any hackney carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Borough as such passenger or passengers may reasonably desire: Provided nevertheless, that the provisions of this By-law shall not extend or apply to any of the persons disqualified from using public vehicles by By-law 18.

28. No driver of any hackney carriage or cab shall engage to convey any person or persons at a particular time and afterwards neglect or refuse to do so.

29. The Council shall, by resolution to be publicly notified as in By-law No. 30 of this part, from time to time appoint any place or places within the said Municipality as stands for licensed hackney carriages and cabs within the said Municipality.

30. No driver of any licensed vehicle shall be or remain at such a distance from his licensed vehicle, anywhere within the said Borough, so as not to have immediate and full control over the same.

31. No vehicle shall be allowed to stand or remain stationary on any street within the Borough, except on the duly appointed stands, for a longer period than the time necessary to take up or set down any passenger or passengers, or requiring or using the same for loading, unloading, receiving, or delivering the goods or parcels which the driver of such vehicle shall have been employed to carry.

32. All hackney carriages and cabs standing upon any duly-appointed cabstand within the Borough shall be deemed to be disengaged, and shall not refuse to convey any passenger or passengers to such place or places within the said Borough as they may reasonably desire: Provided nevertheless, that the provisions of this By-law shall not extend or apply to any of the persons disqualified from using public vehicles by By-laws 19 and 29.

33. All hackney carriages and cabs carrying passengers shall (except when turning street corners or going over crossings) proceed at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer.

34. Copies of Schedule D, hereto attached, shall be printed or written in legible characters, and exhibited on boards placed in conspicuous positions—one at each cabstand within the Borough, and one at the Bathurst Railway Station, in such place as the Commissioner for Railways may approve.

35. Copies of all By-laws passed by the Council for the regulation of licensed vehicles shall be delivered with each license issued.

36. All proprietors and drivers of licensed vehicles shall at all times be amenable to, and observe and comply with, the By-laws for the time being in force for the care and management of the public roads, public streets, and public thoroughfares within the said Municipality, and for every breach thereof shall incur the same penalties as other persons.

37. Any person offending against any of these By-laws shall forfeit and pay a sum not exceeding ten pounds nor less than five shillings for every such offence.

Given under my hand, and under the Common Seal of the Borough Council of Bathurst, in the Colony of New South Wales, this 10th day of February, A.D. 1888.

THOS. A. MACHATTIE,
Mayor.
DAVID C. WILLIAMSON,
Town Clerk.

BOROUGH OF BATHURST.

SCHEDULE A.

A Requisition for License.

To the Municipal Council of the Borough of Bathurst.

I, _____, residing at _____ street, within the Borough, do hereby request that a license may be granted to me, to _____ within the limits of the said Borough.

Dated at _____, this day of _____, A.D. 18__.

Description of vehicle _____

BOROUGH OF BATHURST.

SCHEDULE B.

Form of License for Driver or Conductor.

This is to certify that _____, of _____ street, is hereby licensed to _____ (an omnibus, cart, hackney carriage, or cab, as the case may be) from the _____ day of _____ to the 31st day of December, 18__, inclusive, within the Borough of Bathurst, subject, nevertheless, to all and every the By-laws, Rules, and Regulations in force relating thereto.

BOROUGH OF BATHURST.

SCHEDULE C.

Table of Licensed Fees payable by Proprietors, Drivers, and Conductors of Licensed Vehicles.

Proprietors of	On and after 1st January.	On and after 1st April.	On and after 1st July.	On and after 1st October.
Omnibuses	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Cars	2 0 0	1 10 0	1 0 0	0 10 0
Hackney carriages	1 10 0	1 2 6	0 15 0	0 7 6
Cabs	2 0 0	1 10 0	1 0 0	0 10 0
Water carts	1 10 0	1 2 6	0 15 0	0 7 6
Waggon, lorry, or timber carriage...	1 0 0	0 15 0	0 10 0	0 5 0
Prays, carts, or vans	2 10 0	1 17 6	1 5 0	0 12 6
Livery vehicles not plying for hire within the Borough.	1 10 0	1 2 6	0 15 0	0 7 6
	1 0 0	0 15 0	0 10 0	0 5 0

For every Driver's License for a vehicle to carry passengers 0 5 0
For every Conductor's License for a vehicle to carry passengers ... 0 5 0

BOROUGH OF BATHURST

SCHEDULE D.

Rates and Fares to be paid for any Hackney Carriages and Cabs within the Borough of Bathurst.

For a cab for any time not exceeding one quarter-of-an-hour, to carry one or two passengers, if required by hirer..... s. d. 1 0

For every subsequent quarter-of-an-hour or part thereof But if engaged for more than one hour then to be paid at the rate of nine pence for every additional quarter-of-an-hour or part thereof. 1 0

For a Hackney Carriage for any time not exceeding one half-hour, to carry five persons, if required by hirer 2 6

For every subsequent quarter-of-an-hour or part thereof But if engaged for more than one hour, then the fare to be paid at the rate of one shilling and three pence for every additional quarter-of-an-hour or part thereof. 1 3

Made and passed by the Council of the Borough of Bathurst, this eleventh day of April, 1888.

(L.S.) E. T. WEBB,
Mayor.
DAVID C. WILLIAMSON,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.
(BOROUGH OF BATHURST—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 19th July, 1888.

BATHURST MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Borough of Bathurst, under the "Municipalities Act of 1867," relating to the extirpation of noxious weeds within that Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF BATHURST.—BY-LAW FOR THE EXTERMINATION OF NOXIOUS WEEDS, &c.

THAT owners and occupiers of lands within the Municipality must extirpate all thistles, nettles, burrs, horehound, dock, saucy-jack, and other noxious weeds, detrimental to good husbandry, under a penalty not exceeding five pounds (£5), nor less than five shillings (5s.)

Made and passed by the Council of the Borough of Bathurst, this eleventh day of April, 1888.

DAVID C. WILLIAMSON, Council Clerk.

(L.S.) E. T. WEBB,
Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BOURKE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 20th October, 1887.

MUNICIPAL DISTRICT OF BOURKE—BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Bourke, under the "Municipalities Act of 1867," for licensing and regulating hackney carriages, drays, and waggons, and the owners and drivers thereof, plying for hire within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

AMENDED BY-LAWS.

THOSE By-laws published in the Supplement to the Government Gazette No. 315, Wednesday, 4th August, 1880, and intitled "A By-law to empower the Municipal Council of Bourke to collect license fees from all carters plying for hire, or carrying sand, loam, stone, bricks, firewood, hay, or other material for sale or delivery within the Municipality,"—and being portion I of such By-laws and sections 1 to 5 of such portion are hereby repealed.

BY-LAWS for licensing and regulating hackney carriages, drays, and waggons, and the owners and drivers thereof plying for hire within the Municipality of Bourke.

1. No carriage shall ply for hire as a hackney carriage within the Municipality until and unless the same be duly licensed by the Council of the Municipal District of Bourke.

2. Before any license for a carriage shall be granted a requisition for the same shall be made at the Office of the Town Clerk by the owner of the carriage, and signed by him in the form contained in the Schedule hereto annexed and marked A; and if any false statement be contained in any such requisition any license issued in compliance therewith shall be void.

3. No license shall be granted in respect of any carriage which, in the opinion of the Inspector, shall be unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers.

4. Licenses for hackney carriages shall be in the form contained in the Schedule hereto annexed and marked B, and shall be in force from the date of such license until the thirty-first day of December next ensuing, and no longer; and no such license shall include more than one carriage: Provided that where the licensed carriage shall be under repair or otherwise the owners thereof may be permitted to substitute another carriage for a period to be specified by endorsement on the license, and signed by the Town Clerk.

5. For the license of every hackney carriage, and for every renewal thereof there shall be charged and received by the Town Clerk as follows, *i.e.* :—

If the carriage be licensed to carry not more than five passengers, £1 10s.

If licensed to carry more than five, and not more than ten passengers, £2.

If licensed to carry more than ten passengers, £3.

No license shall be granted for less than a half year, which shall expire on the 30th June and 31st December.

6. No person shall keep, use, employ, or let for hire for the carrying of passengers any hackney carriage, or act as the driver thereof within the Municipality of Bourke unless he shall have a license granted and in force under provisions of these By-laws to do so; and no person shall be granted a license unless he can satisfy the Council that he is a person of fit fame and character.

7. Before a license be granted to any person as a hackney carriage driver he shall sign a requisition for the same in form of Schedule C annexed hereto, and shall if so required produce certificates of good conduct and ability.

8. The licenses of owners and drivers of hackney carriages shall be in the forms contained in the Schedule hereto annexed marked D, and for every such license there shall be paid to the Town Clerk the sum of two shillings and sixpence (2s. 6d.), and every such license shall remain in force until the 30th of June or the 31st of December next ensuing.

9. All licenses granted under this By-law shall be signed by the Town Clerk, and numbered in such order as may be determined by the Council.

10. No person shall be at liberty to part with or lend his license; and any owner who shall sell his licensed carriage shall report in writing the name and address of the purchaser to the Town Clerk, and shall, along with such report, return to the Town Clerk the number plates.

11. The number of the license granted for every hackney carriage, in figures not less than two inches in length and of proportionate breadth, shall be painted or fixed outside and inside of such carriage, on such parts thereof and in such manner as the Council through the Clerk may direct, and such figures shall be kept conspicuous, legible, and undefaced during all the time such carriage shall ply or be used for hire.

12. Every carriage for which a license shall be desired, must be submitted for inspection to an Inspector, who, on behalf of the Council, shall examine such carriage as to its suitability in every particular, and shall determine the number of passengers which it shall be deemed to be constructed to

carry, allowing not less than sixteen inches length of seat for each passenger, and the number so fixed and appointed to be carried shall be written by the owner in some conspicuous place on the inside of such carriage as may be directed by the Inspector, distinctly and legibly in words at length, in the following form: - Licensed to carry (here insert the number fixed) inside and (here insert the number fixed) outside. The letters to be at least one inch in length and of proportionate breadth.

13. No licensed carriage shall ply for hire or carry passengers unless at the time of such plying or carrying such carriage be drawn by at least a number of horses proportionate to the number of passengers which such carriage shall have been licensed to carry, as follows:—

If licensed to carry six or any less number of passengers, one horse.

If licensed to carry more than six and not more than fifteen passengers, two horses.

If licensed to carry more than fifteen and not more than twenty-four passengers, three horses.

14. Every licensed carriage, and every private carriage, dray, waggon, or other vehicle that shall be driven after sunset and before sunrise, shall be provided with proper carriage lights, and the driver thereof shall keep the same lighted while such vehicle shall be so driven.

15. The owner of every covered licensed carriage shall cause to be placed inside thereof, in such manner as shall be directed by the Inspector, a lamp having upon the glass thereof the number of such carriage painted in figures plain and legible; and the driver of such carriage shall keep the said lamp properly clean and lighted whenever such carriage shall ply for hire, or carry passengers at any time after sunset and before sunrise.

16. If, upon inspection at any time by the Inspector, any licensed carriage or the harness, or horse, used in drawing the same be found insufficient or unfit for public use, it shall be the duty of such Inspector to give notice to the owner or driver of such carriage in writing in the form of Schedule E hereto annexed; and no such owner or driver shall, after the receipt of such notice, use, or let for hire, such carriage, or permit the same to be used, or let for hire until it or the horse, or the harness used in connection with the working of the same, shall, in the opinion of the Inspector, be in a fit condition for use.

As to Hiring.

17. No driver, or owner of any licensed carriage, having agreed to take any fare at any time, or from any place, shall fail to fulfil such agreement. Every carriage standing at any duly appointed stand for carriages plying for hire, shall be deemed to be so plying, and the driver thereof shall be bound to take immediately any fare not exceeding the number of persons which his carriage is licensed to carry; and no such owner or driver shall refuse to carry thereby a reasonable quantity of luggage for any person hiring or desiring to hire such carriage, nor shall refuse to drive the same to any place within the limits of this By-law, nor for any time not exceeding twelve hours if so required by any person hiring or desiring to hire such carriage, nor shall fail to drive the same at reasonable speed—not less than five miles an hour: Provided nevertheless that no owner or driver shall be compelled to take such fare, unless the intending hirer shall, upon demand, pay in advance the legal fare for the proposed journey, or in the event of such owner or driver being already engaged.

18. Every owner or driver licensed under the provisions of this By-law shall, at the time of obtaining his first license, have delivered to him a copy of these By-laws without charge, and for every succeeding copy the said owner, or driver, shall pay to the Town Clerk the sum of two shillings, and shall at all times have such copy, or some other copy of the same, and shall produce it for perusal to any person using or hiring such carriage; and every driver shall at all times when plying for hire have with him his license, and shall, upon demand, produce the same for inspection to any officer of the Council or of the Police requiring to inspect the same.

19. The driver of every vehicle licensed or otherwise shall, while driving, keep upon his proper driving seat, and shall keep on his left or near side of the road except in case of actual necessity or other sufficient reason for deviation.

20. Any person who shall find any lost or forgotten property in any licensed carriage shall, before leaving such carriage, deliver such property to the driver of such carriage, who shall deliver the same within twelve hours at the Council Chambers.

21. Any person who, having hired or used a licensed vehicle, shall fail to pay the legal fare when demanded, shall be deemed guilty of a breach of these By-laws, and upon conviction thereof before one or more Justices, shall forfeit and pay the same with such additional sum as damages, costs, and charges for loss of time or otherwise as the Justices before whom he shall have been convicted shall think fit.

22. In case of dispute between the hirer and driver, the hirer, if required to do so, shall state truly his name and address to the driver.

As to Fares.

23. The rates and fares for the conveyance of passengers by hacking carriages plying for hire within the Municipality of Bourke shall be those which are mentioned in the Schedule to these By-laws annexed and marked F; and the same shall apply in the manner and to the extent in the said Schedule specified as well to omnibuses and waggonettes as to hackney carriages of other descriptions; and the said rates or fares shall be the greatest amounts which it shall be lawful for any owner or driver within the Municipality of Bourke to charge or demand.

24. Children over four years and under twelve years of age shall be charged for at half fare.

25. The owner or driver of every omnibus shall exhibit on such omnibus where and in such manner as shall be directed by the Inspector, so much of the table of rates and fares as fixed by the Council as shall in the opinion of the Inspector be applicable to such omnibus, and the amount of fare chargeable for each passenger carried thereby. And save by the provisions of these or any other By-laws which shall be duly made and passed by the Council no alteration shall be made in such fares.

26. The owners or drivers of hackney carriages shall, within seven days after the coming of these By-laws into operation, cause the tables of rates and fares to be exhibited in or painted upon their respective vehicles, and made so as to correspond exactly with the rates and fares set forth in the Schedule F hereto annexed.

27. Fares by distance shall be computed from the stand or place where the carriage was hired to the most distant part of the journey therefrom.

28. Fares shall be made payable on demand at the commencement of the hiring or using of a licensed carriage.

[Schedules referred to in the foregoing By-laws.]

SCHEDULE A.

Requisition for Hackney Carriage License.

To the Worshipful the Mayor and Alderman of the Municipality of Bourke.

I, _____, residing at _____ street, do hereby request that a license may be granted to me to keep, use, employ and let as a hackney carriage, to ply for hire within the Municipality of Bourke, the vehicle hereinafter described, and which I hereby declare and affirm to be in truth and fact owned by me.

Dated _____

Description of carriage.

Build.
Colour.
Number.

SCHEDULE B.

Municipality of Bourke—Hackney Carriage License.

No. _____ of _____ has made a requisition for a license for a hackney carriage intended to ply for hire within the Municipality of Bourke, and whereas the issue of the said license has been duly authorized by the Council: Now, therefore, I, the Town Clerk of the said Municipality, in the name and on behalf of the said Council, do hereby license the said carriage of which you the said _____, are owner, and which is numbered _____, as a hackney carriage, to ply for hire within the said Municipality, under and subject to the provisions of the By-laws, and to such other orders, rules, regulations, and By-laws as may from time to time be in force up to and until the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, and no longer.

Given under my hand, at the Council Chambers, in the Municipality of Bourke, this _____ day of _____ 188 .

Town Clerk.

SCHEDULE C.

Requisition for License as a Hackney Carriage or Omnibus Driver.

To the Worshipful the Mayor and Aldermen of the Municipality of Bourke.

I, _____, residing in _____ street, do hereby request that a license may be granted to me as driver of a _____ to ply for hire within the Municipality of Bourke.

Dated _____ 188 .

SCHEDULE D.
Municipality of Bourke.

Driver's license.

Whereas, of , street, has made a requisition for a license as the driver of a hackney carriage or omnibus licensed to ply for hire within the said Municipality, and whereas the issue of the said license has been duly authorized by the Council: Now, therefore, I, the Town Clerk of the said Municipality, in the name and on behalf of the said Council, do hereby license you the said , of , to act as driver of any hackney carriage or omnibus within the said Municipality, under and subject to the provisions of the By-laws, and to such other orders, rules, regulations, and By-laws as may from time to time be in force up to and until the day of , in the year of our Lord one thousand eight hundred and eighty , and no longer.

Given under my hand, at the Council Chambers, in the Municipality of Bourke, this day of 188 .

Town Clerk.

SCHEDULE E.
Municipality of Bourke.

Whereas, the Council of the Municipality of Bourke, in accordance with the By-laws, did cause the carriage now in use and let for hire, numbered , and known by the following marks and description:—[here insert marks and description] to be inspected, and it is found upon such inspection that the said carriage, or [here insert horse, horses, harness, as the case may be] is not in a fit and proper condition for the public use.

Now, I, the Town Clerk of the said Municipality, in the name and on behalf of the said Council, do hereby suspend the license granted for and in respect of the said carriage, with its horse or horses, and harness, and all other appurtenances, until each or all of the same shall, upon further inspection by the Council or their Inspector, be found and deemed to be in all respects sufficient and fit for the public use.

Dated at Bourke this day of 188 .

Town Clerk.

SCHEDULE F.
Municipality of Bourke.

Tables of rates and fares to be charged for the hiring of any hackney carriage plying for hire at any place within the Municipality of Bourke:—

When hired by one person or party,—Fare, by time—
£ s. d.

By the day, <i>i.e.</i> , for any twelve consecutive hours, between 5 o'clock a.m. and mid-night	1	10	0
For half an hour	0	2	6
For an hour	0	4	0
For every subsequent space of fifteen minutes completed or commenced during the hiring	0	1	0

By distance—

For every mile or part of a mile, distant from the local post office, the fare to be 1s. The carriage to wait 10 minutes, if so required, and a fare of 6d. per mile for return journey.			
To and from the racecourse, each way, from the local post office	0	1	6

Hirer to pay all tolls.

Carters.

1. No cart or other vehicle shall be permitted to cart, draw, or carry for hire, merchandise, produce, wood, water, sand, earth-bricks, or other material for building or other purposes, within the Municipality of Bourke, unless licensed in the manner hereinafter described.

2. Licenses shall be granted by the Town Clerk to such drays, waggons, &c., as shall, on inspection, be found fit for public use; and for every such license there shall be paid to the Town Clerk such sum as with respect to each kind of cart is set out in Schedule A hereto annexed.

3. Every such license shall be numbered and registered by the Town Clerk, and shall be in force from its date of issue until the 30th day of June or the 31st day of December next ensuing, and no longer. And the owner named in such license shall cause to be painted, and kept legible, on the off or right hand side of the cart thereby so licensed, the number of such license; and every such owner who shall omit or fail to comply with the provisions of this section shall forfeit and pay a sum not exceeding forty shillings.

4. It shall be lawful for the Town Clerk to grant a transfer of any carter's license from the holder of such license to any other approved person, upon payment to the Town Clerk of a transfer fee of two shillings (2s.), such transfer to be endorsed upon such license, and to be duly registered by the Town Clerk.

5. The driver of every licensed cart, waggon, or other vehicle, shall hold the license of such cart, waggon, or other vehicle, and shall, when so required by the Inspector of licensed vehicles, or any officer of the Council or Police, produce for the inspection of such person his license. Any driver declining to so produce his license shall be liable to a penalty not exceeding £1.

SCHEDULE A.

	£	s.	d.
For four wheeled vehicles per annum	2	0	0
For two-wheeled vehicles, per annum	1	0	0
For four-wheeled vehicles, per half-year	1	1	0
For two-wheeled vehicle, per half-year	0	10	6

Carter's License—Requisition.

To the Worshipful the Mayor and Aldermen of the Municipality of Bourke.

I, , residing at street, do hereby request that a license may be granted to me as driver of a No. , within the said Municipality.

Date.
Vehicle.

Carter's License.

This is to certify that a carter's license, No. , is hereby granted to , of street, to ply for hire with a wheeled , from the date hereof, until the day of , 188 , subject to all the rules and By-laws that are or may become in force during the currency hereof. Also, that the said , has this day paid to the Municipality the sum of £ for such license.

Given under my hand, at the Council Chambers, this day of , in the year of our Lord one thousand hundred and eighty .

Town Clerk.

Every person guilty of a breach of any of the provisions of the foregoing By-laws shall be liable for every such offence, when not otherwise expressly provided for, to a penalty not exceeding five pounds nor less than five shillings.

The foregoing By-laws were passed at a meeting of the Bourke Municipal Council, held on the fourteenth day of February, 1887.

(L.s.) JNO. T. READFORD,
WILLIAM FORDYCE, Mayor.
Town Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BROUGHTON CREEK AND BOMADERRY—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 2nd November, 1887.**BROUGHTON CREEK AND BOMADERRY MUNICIPALITY.—ADDITIONAL BY-LAW.**

THE following additional By-law, made by the Council of the Municipal District of Broughton Creek and Bomaderry, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF BROUGHTON CREEK AND BOMADERRY.

ADDITIONAL BY-LAW made by the Municipal Council of Broughton Creek and Bomaderry, with reference to Footpaths.

Driving, riding, wheeling, or hanging horses on footways.

ANY person who shall run, drive, draw, cause, permit, or suffer to be run, driven, or drawn, upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, truck, or hand-barrow, or any hogshead, cask, or barrel, or shall fasten, lead, drive, or ride any horse or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding one pound nor less than five shillings, for the second offence a sum not exceeding two pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding five pounds nor less than two pounds for each such offence.

Passed by the Municipal Council of Broughton Creek and Bomaderry, this 9th day of July, 1887.

HENRY TAYLOR,
Council Clerk.

(L.S.) JOHN GRAY,
Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BURWOOD—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 8th December, 1887.**BURWOOD MUNICIPALITY.—ADDITIONAL BY-LAW.**

THE following additional By-law, made by the Council of the Borough of Burwood, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of Burwood, made under and for carrying into effect the provisions of the "Municipalities Act of 1867."

THAT a uniform charge of 5s. be made in every case where, for laying gas, water, or sewerage pipes, or any other purpose, the kerbing, asphaltting, or paving of any footpath within the Borough, or any roadway within the Borough, requires to be cut into, broken, or disturbed; that permission be first obtained in writing from the Council Clerk for the time being, and the said fee of 5s. be paid before any such work is commenced, the Council undertaking the repair of such kerbing, asphaltting, paving, or roadway; that a uniform charge of 10s. be made in every case where, for building or other purposes, it is necessary to cart material over the kerbing, asphaltting, or paving, a width of not more than 8 feet; that permission be first obtained from the Council Clerk for the time being, and the said fee of 10s. be paid, before such carting is commenced, the Council undertaking the proper repair of such kerbing, asphaltting, or paving. Any person failing to comply with any of the provisions of this By-law shall upon conviction forfeit and pay a sum not exceeding forty shillings, in addition to the fees herein imposed.

Passed at a meeting of the Burwood Council, held on Monday, the 25th July, 1887.

W. REDFEARN,
Council Clerk.

(L.S.) ROBERT W. HARDIE,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BURWOOD.—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 6th January, 1888.**BURWOOD MUNICIPALITY.—ADDITIONAL BY-LAW.**

THE following additional By-Law, made by the Council of the Borough of Burwood, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAW of the Borough of Burwood, made under and for carrying into effect the provisions of the
"Municipalities Act of 1867."

ANY person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament situate and being in or within forty yards of any street or public place, or any dwelling-house in the said Borough, or shall suffer any kind of swine, or any ass, mule, sheep, goat, or cattle belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street or public place, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Passed at a meeting of the Borough Council, held on Monday, 30th May, 1887.

W. REDFEARN,
Council Clerk.

(L.S.) . ROBERT W. HARDIE,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF COBAR.—AMENDED AND ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 6th January, 1888.**MUNICIPAL DISTRICT OF COBAR.—AMENDED AND ADDITIONAL BY-LAWS.**

THE following amended and additional By-laws, made by the Council of the Municipal District of Cobar, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

AMENDED and Additional By-laws submitted by your By-law Committee on this 22nd day of June, 1887.

1. That the Council shall meet for the despatch of Council business on such days and hours as may be determined by resolution of the Council from time to time, and any By-law now in force to the contrary shall be and is hereby repealed.

2. All vehicles whilst in use, running in any street or public place within the Municipality, after one hour from sundown and until daybreak on the following morning shall be provided with suitable lamps to burn candles, and to be fixed on each side of such vehicles so as to throw the light in the direction in which the vehicle shall be proceeding, and shall be lighted while the same is so running; and any person using a vehicle contrary to this By-law shall upon conviction forfeit and pay a penalty not more than five pounds nor less than ten shillings.

3. The Inspector of Nuisances, having cause to suspect or complain of the existence of a nuisance upon any premises within the said Municipality, may state the reason of his suspicions or the grounds of his complaints and the particulars of the said suspected nuisance as far as he can furnish same to the Council, and the Council may by resolution at any time thereafter grant authority to the said Inspector, if necessary, to enter upon any premises so suspected or complained of, the first having demanded to be allowed to inspect the same in the case of occupied property and being refused, and at any hour in the day time to be fixed by the Council; and any person who shall be an occupier of the premises as lessee or otherwise, or, if unoccupied, the owner thereof, failing to remove any offensive matter that may be found upon inspection of the said premises, or in abating any nuisance that may exist thereon within seven

days after receipt of notice from the Inspector of Nuisances to remove or abate the same, such occupier, lessee, or owner failing to comply with the terms of such notice shall be liable to forfeit and pay a sum not exceeding ten (10) pounds nor less than one (1) pound.

4. Any person who shall ride or drive through or upon any street, road, or public place within the said Municipal District so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding five (5) pounds nor less than ten (10) shillings.

5. Any person or persons who shall, in any street, road, or public place within the said Municipal District, drive any carriage or carriages for the purpose of breaking-in, exercising, or trying horses, or shall drive, ride, or lead any horse, mare, or gelding, for the purpose of airing, exercising, trying, breaking, or showing, or exposing for sale, any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places, shall forfeit and pay any sum not exceeding forty (40) shillings; and any person who shall within the said Municipal District furiously or carelessly drive any horse, mare, or gelding, to or from any public watering-place, creek, or river, or pasturage, or elsewhere, shall forfeit and pay any sum not exceeding forty (40) shillings.

Passed by the Municipal Council of Cobar, this fourteenth day of September, 1887.

THOMAS BLAKEY,
Council Clerk.

(L.S.) FREDERICK TOY,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF COONAMBLE.—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 6th January, 1888.

COONAMBLE MUNICIPALITY.—ADDITIONAL BY-LAWS.

THE following additional By-laws, made by the Council of the Municipal District of Coonamble, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF COONAMBLE.

ADDITIONAL By-laws, made by the Council of the Municipal District of Coonamble, under the "Municipalities Act of 1867," for the regulation of tree planting in the streets, thoroughfares, and public reserves within the said Municipality.

Tree Planting.

1. The Council shall have power to plant trees on any public street, thoroughfare, or place within the said Municipal District.
2. The Council may by a resolution at any regular meeting vote a sum of money to be expended in the planting and preserving of trees and shrubs in the public streets, thoroughfares, or places within the Municipality, and from time to time determine what streets, thoroughfares, or places shall be so planted.
3. The Council shall cause trees or shrubs to be planted in any street, thoroughfare or place, in accordance with these By-laws, in the following manner, that is to say :—In the main streets having full width, at a distance not greater than six feet from the kerbing, and at such distances apart as the Council may from time to time determine, and in accordance with a plan to be approved of by resolution of the Council. Where trees or shrubs are planted in lanes or other public places, plans also to be approved by resolution of the Council.
4. The trees or shrubs to be planted in the public streets or other public places shall consist of such as may be authorized by resolution of the Council; and such other trees or shrubs upon recreation grounds or reserves, as the Council may determine.
5. The Council may erect, or cause to be erected, guards of wood or other material to protect trees or shrubs planted in any street or thoroughfare or public place within the Municipality; the said guards or enclosures to be of such design and dimensions as the Council may determine.
6. Any person in any way injuring, destroying, or interfering with trees or shrubs planted, or guards enclosing same, or protected in any street, thoroughfare, or public place within the Municipality shall be upon conviction liable to a fine of not less than one shilling nor more than ten pounds.
7. The Council Clerk, on the authority of the Mayor, shall have power to prosecute any person or persons who offend against the last preceding By-law.

Passed at a meeting of the Municipal Council of Coonamble, held on 27th day of September, 1887, under Municipalities Act of 1867.

W. H. AUBREY,
Council Clerk.

(L.S.) CHAS. JNO. ELLIS,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF COOTAMUNDRA—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 26th March, 1888.

COOTAMUNDRA MUNICIPALITY.—ADDITIONAL BY-LAWS.

THE following additional By-laws, made by the Council of the Borough of Cootamundra, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

THAT the following be and are hereby confirmed as the additional By-laws of the Council of the Borough of Cootamundra.

Conduct of Business.

Motions to be in writing, and not withdrawn without leave.

1. The Council Clerk shall put every motion into writing, which shall be signed by the mover; and every motion, when seconded and read by the clerk, shall be considered the property of the Council, and shall not be withdrawn without leave of the Council.

*Streets and public places.**Noxious weeds.*

2. Any person appointed by the Council may enter upon any land within the said Borough, and for that purpose may break open gates, or take down or remove fences, to extirpate the weed known as Bathurst burr or Scotch thistle, or other noxious weeds: Provided always that if any gate be broken or fences removed the same shall, immediately after the work then required to be done, be restored to their former condition as nearly as may be; and the expense of extirpating such weeds and restoring such fences may be recovered as an ordinary debt from the owner or occupier of such lands. Any person hindering or obstructing any person so appointed as aforesaid shall for every such offence be liable to a penalty of forty shillings. All owners or occupiers of property within this Borough shall remove and burn all kinds of thistles, Bathurst burr, or other noxious weeds upon lands owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this By-law, after fourteen days' notice from any officer of the said Borough requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than twenty shillings and not exceeding fifty pounds.

*Miscellaneous.**Erection of houses, &c.*

3. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the Borough without first serving notice, in writing, on the Mayor or Council Clerk, on any lawful day, between the hours of 8

o'clock a.m. and 8 o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Council Clerk, who will give the required level and alignment, if in a proclaimed street, on a payment of a fee of ten shillings. No person shall be at liberty to encroach beyond the building line in any street, or lane by the erection of houses, verandahs, door-steps, fences, or any other obstruction whatever.

Using bark for building in the main thoroughfares.

4. No person shall erect any building of bark or roofed with that material or with calico within the populous parts of the town, except by express permission of the Council, and then for a temporary purpose only; any person so offending shall on conviction be liable to a penalty not exceeding ten pounds, to be recovered in a summary way, and shall be bound to remove the aforesaid building within such period as the Council may determine.

BY-LAWS FOR REGULATION OF PUBLIC VEHICLES.

BY-LAWS for the regulation and licensing of public carriers, carters, water-drawers, and public vehicles, omnibuses, cars, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers and conductors of passenger-carrying vehicles.

Vehicles to be licensed.

5. No vehicle shall ply or be used for hire within the Borough of Cootamundra, unless the same be duly licensed in the manner herein described.

Requisition to be made for license.

6. Before any license for plying a vehicle, or to drive, or to conduct the same, shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of the Schedule hereunto annexed, marked with the letter A, or to the like effect, and duly fill up and sign the same, and deliver it to the Council Clerk; and in the case of drivers or conductors shall also obtain a certificate from two respectable householders to the effect that the applicant is of good character, and competent to act as such driver or conductor, as the case may be.

Condition under which licenses to be granted.

7. No license shall be granted in respect of any vehicles which in the opinion of three Aldermen, who shall be appointed by a resolution of the Council of the said Borough, is unsafe, or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein; nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle, or on such other place or places, and in such manner as the said three Aldermen may direct.

Licenses, and how to be issued.

8. Licenses for the proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereunto annexed, marked with the letter B, or the like effect; and any person plying, driving, or conducting any vehicle for hire with passengers without such license, shall be deemed guilty of a breach of these By-laws.

Licenses to be under Corporate seal.

9. Every license granted under these By-laws shall be under the common seal of the Borough Council of Cootamundra, and signed by the Mayor and countersigned by the Council Clerk, upon production of a certificate signed by the Aldermen who shall be appointed as aforesaid, and shall be in force from the date of such license until the 31st day of December next ensuing, subject to the conditions in section 10; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be then specified and endorsed on the license signed by the Mayor and countersigned as aforesaid.

Age of drivers.

10. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years.

Licenses to be made out by the Council Clerk.

11. All licenses shall be made out by the Council Clerk and numbered consecutively.

Owner of vehicle.

12. The person in whose name a license shall appear to have been obtained shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

Inspection of vehicles.

13. The three Aldermen aforesaid shall as often as they may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses, and if any such vehicles, harness, horse, or horses, shall at any time be found by the said Aldermen to be unfit for use, the Mayor may cancel the license of such vehicle on the written report of the said Aldermen.

Number of license to be painted on vehicle.

14. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney carriage or cab, in figures not less than two inches in height, of proportionate breadth, white upon a ground of black, shall be painted outside the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Aldermen aforesaid shall direct; and such numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

Table of fares, &c., to be fixed to vehicle.

15. The number of the license of every hackney carriage or cab on a card or plate six inches by three inches, painted or printed in clear legible figures, and the table of fares fixed by the Council shall be affixed at the upper part of the front panel, or in such other place or places inside of such carriage or cab as the three Aldermen aforesaid may direct; and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

Term applied to vehicles

16. So far as concerns fares in these By-laws, any vehicle of whatever form or construction, for which a hackney carriage license has been taken out, if drawn upon four wheels, shall be deemed to be a hackney carriage, and if drawn upon two wheels a cab.

Water-carts.

17. The Council shall from time to time license to ply within the Borough such carts for the sale and carrying of water as shall upon inspection be found fit for that purpose. Every such cask or vessel contained therein for the holding of water for sale shall be capable of containing not less than fifty gallons, and shall have the name of the owner, and the words "licensed water-cart" painted on such cart in legible letters.

Water licenses, how obtained, &c.

18. Every such license shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such license there shall be paid to the Council the sum of two shilling and six-pence; and every such license shall be in force until the 31st day of December next ensuing, after the granting of the said license.

Hawking water—penalty.

19. Any person hawking or carrying water for sale or hire, otherwise than in a licensed water-cart as aforesaid, shall upon conviction be liable to a penalty not exceeding one pound.

Name and place of abode to be painted on licensed cart, &c.

20. The name and place of abode, number of license, and the words "licensed cart, dray, or van," as the case may be, are to be painted in letters one inch long, upon the right or off side of such cart, dray, or van.

Vehicles to carry lights.

21. All vehicles licensed to carry passengers shall be provided with suitable carriage lamps, to burn candles, one to be fixed on each side of the driver's box, and a third one inside of all omnibuses and closed coaches; and the same shall be lighted not later than one hour after sundown and be kept burning while the vehicles are on the stand or running in the streets, either with or without passengers.

Number of persons to be carried.

22. When any carriage is submitted for inspection by the owner or other applicant, with a view to obtain a license, the Aldermen appointed by the Council for that duty shall then determine upon the number of passengers the vehicle shall be permitted to carry and give a certificate to that effect, such number to be mentioned in the license.

Legal fare, &c., to be painted on vehicle.

23. The number of passengers the vehicle is licensed to carry and the legal fare shall be painted or printed in legible characters and affixed within and without the vehicle in such places as the inspecting Aldermen shall direct.

Penalty for breaking By-laws.

24. For every offence against the provisions of these By-laws the offender shall be liable to and pay a penalty of not more than twenty pounds nor less than ten shillings.

Vehicle not to be drawn faster than a walk past place of worship on Sunday

25. No licensed vehicle shall be drawn by any animal or animals past a place of public worship on Sundays during divine service at a faster pace than a walk; and no bugle, horn, whistle, or other instrument shall be used on that day for the purpose of attracting the attention of passengers.

Description of persons not allowed to travel in vehicle.

26. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, nor use the same for eating his meals therein.

Vehicle not to carry greater number of passengers than licensed for.

27. No driver or conductor shall admit to the inside, or allow on the outside, of any omnibus, at any one time, a greater number of passengers than the number it shall be licensed to carry, inside or outside, as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of eighteen inches, measuring in a straight line lengthwise on the front of each seat, nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age sitting on the lap, shall be deemed to be a passenger within the meaning of these By-laws: no passenger to carry more than one child.

Fare not to be increased until 10 p.m.—Driver, &c., not to refuse to carry passengers.

28. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large unmoveable figures in some conspicuous place inside and outside the omnibus as the fare for which such omnibus plies: Provided that no fare shall be increased except between the hours of 10 o'clock at night and

5 o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room, and to whom no reasonable objections can be made under these By-laws; nor, except in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage way.

Fare to be paid upon taking seats.—Driver and conductor to be provided.

29. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded after the commencement of his journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver and licensed conductor.

Property found in vehicles to be delivered at Council Clerk's office.

30. The driver of any carriage and conductor of any omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person, having used or hired the same, such property, if found by another passenger or person, shall be delivered to the driver or conductor, who shall deliver the same, with any other property found by him, within eighteen hours after such finding, to the Council Clerk's office, and there shall deposit it; and no owner shall detain any property delivered to him by any driver or conductor in his employment, longer than the time before-mentioned, but shall deposit it at the office at the Council Chamber with the Council Clerk or his assistant.

License fees to be paid to Council Clerk.

31. For every license issued under the By-laws in force for the time being in that behalf within the said Borough, there shall be paid to the Council of the said Borough, by delivering the same to the Council Clerk, or other person authorised to receive the same, the several sums mentioned or set forth in Schedule C to these By-laws for the general purpose of the said Borough.

Terms to be applied to licensed vehicles.

32. Whenever the word "vehicle" shall be used in these By-laws the same shall be construed to extend and apply to any omnibus, car, hackney, carriage, or cab. The word "omnibus" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, having seat accommodation for more than ten passengers and a driver. The word "car" shall extend and apply to any vehicle upon two or four wheels drawn by one or more horses having seat accommodation for not more than ten nor less than five passengers and a driver. The word "hackney carriage" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, and having seat accommodation for not more than five passengers and a driver, and in respect of which a hackney carriage license within the said borough shall have been obtained. The word "cab" shall extend and apply to any vehicle upon two wheels, having seat accommodation for not more than two passengers and a driver, in respect of which a cab license within the said Borough shall have been obtained. The word "cart" shall extend and apply to any cart, dray, van, or waggon, drawn by one or more horses, or other animals, used wholly, and for the carriage of goods and parcels. The word "water-cart" shall extend and apply to any cart used for the carriage of water within the said Borough, in respect of which a water-cart license shall have been obtained.

Fares to be charged.

33. No proprietor or driver of any hackney carriage or cab within the said Borough shall demand, receive, or take more than the several fares or sums mentioned or set forth in the Schedule D to those By-laws, or such other sums as the Council of the said Borough shall from time to time determine or appoint in substitution therefor as hereinafter provided; and every proprietor, driver, or conductor, failing to comply with this By-law, shall for every such offence forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Power of Council to amend scale of fares, &c.

34. The Council of the said Borough may from time to time, by resolution passed in that behalf, alter and vary, or amend the said Schedule D, and the respective sums chargeable thereunder, or any of them, and such alterations, variations, or amendments, shall become of full force and effect so soon as the same shall have been publicly notified by advertisement in the New South Wales *Government Gazette*, and at least one newspaper circulating in the said Borough, and the Council of the Borough shall not be responsible for any loss which such alterations or amendments may have or may be alleged to have occasioned to the holders of licenses for the time being or any of them.

Toll to be paid by hirer.

35. All tolls to be paid by the hirer of any hackney carriage or cab in addition to the ordinary fare.

Passengers to be taken up, &c.

36. No driver of any hackney carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Borough as he, she, or they may reasonably desire; and every person failing to comply with this By-law shall forfeit and pay a penalty or sum not exceeding five pounds for every such offence.

37. The Council shall by resolution from time to time appoint any place or places within the said Borough as stands for licensed hackney carriages and cabs within the said Borough: Provided always that no such resolution or resolutions of Council aforesaid shall have any force or effect, until such notice thereof shall have been published in the New South Wales *Government Gazette*, and at least one newspaper circulating within the said Borough.

Driver to have full control over his horse or horses.

38. No driver of any licensed vehicle shall be or remain at such a distance from his horse or horses, while attached to his vehicle, anywhere within the said Borough, as not to have immediate and full control over the same; and every person so doing shall, for every such offence, forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

39. No vehicle shall be allowed to stand or remain stationary on any street within the said Borough, except on the duly appointed cab-stand for the time being, for a longer period than the time reasonably necessary to take up or set down any passenger or passengers for the time being requiring or using the same, or for loading or unloading or receiving or delivering the goods or parcels which the driver of such vehicle shall have been employed to carry; and any driver or proprietor of any such vehicle remaining stationary contrary to this By-law shall, for every such offence, forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Speed at which to travel.

40. All hackney carriages and cabs carrying passengers shall (except when turning street corners) proceed at a speed of not less than six miles an hour, unless when attending funerals or when otherwise ordered by the hirer; and every driver of any such carriage or cab failing to comply with this By-law, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Copies of Schedule D to be printed and fixed at cab-stand.

41. Copies of said Schedule D hereto shall be printed or written in legible characters, and exhibited on boards placed in conspicuous positions, one at each cab-stand within the Borough, and one at Cootamundra Railway Station, in such place as the Commissioner for Railways may approve.

Copies of By-laws to be given with license.

42. Copies of these and all other By-laws passed by the Council of the said Borough, for the regulation of licensed vehicles, and still remaining in force, shall be delivered with each license issued, unless the person shall have previously received copies thereof.

Penalty to be enforced for breach of By-laws.

43. All proprietors and drivers of licensed vehicles shall at all times be amenable to, and observe and comply with the By-laws for the time being in force for the care and management of the public roads, public streets, and public thoroughfares within the said Borough, and for every breach thereof shall incur the same penalties as other persons.

44. Any person offending against any of these By-laws shall, except when otherwise expressly provided, forfeit and pay a sum not exceeding two pounds nor less than five shillings for every such offence.

SCHEDULE A.

A requisition for License.

To the Municipal Council of the Borough of Cootamundra,—
I, _____, residing at _____ street, within the Borough of Cootamundra, do hereby request, that a license may be granted to me to _____ within the limits of the said Borough.
Dated at Cootamundra this _____ day of _____ A.D. 18 ____.
Description of _____

SCHEDULE B.

Form of license for driver or conductor.

This is to certify that _____ of _____ street, Cootamundra is hereby licensed to _____ (an omnibus, cart, hackney carriage, or cab, as the case may be) from _____ to 31st December, 18 ____ inclusive, within the Borough of Cootamundra, subject nevertheless to all and every one of the By-laws, rules, and regulations in force relating thereto.

SCHEDULE C.

Table of license fees payable by proprietors, drivers, and conductors of licensed vehicles.

Proprietors of	On and after 1st January.			On and after 1st April.			On and after 1st July.			On and after 1st October.			
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
Omnibuses and coaches	0	10	0	0	10	0	0	5	0	0	5	0	
Cars	1	10	0	1	2	6	0	15	0	0	7	6	
Hackney carriages	2	0	0	1	10	0	1	0	0	0	10	0	
Cabs	1	10	0	1	2	6	0	15	0	0	7	6	
Water-carts, drays, cart, or vans ..	0	0	6	0	2	6	0	2	6	0	2	6	
	s. d.												
For every driver's license for a vehicle to carry passengers												5	0
For every conductor's license for a vehicle to carry passengers												5	0

SCHEDULE D.

Table of maximum fares chargeable by drivers or proprietors of licensed hackney carriages and cabs within the Borough of Cootamundra :—

For a cab to carry one or two persons, as required, by hirer,—	s. d.
For not exceeding a quarter of an hour	1 0
For every subsequent quarter of an hour or part thereof within the first hour	1 0
For every quarter of an hour or part thereof after the first hour	0 9
For a hackney carriage to carry five persons, if required, by hirer,—	
For not exceeding half an hour	2 6
For exceeding half an hour, but not exceeding one hour	5 0
For every quarter of an hour or part thereof, after the first hour	1 0

Passed by the Municipal Council of the Borough of Cootamundra, on the twenty-eighth day of April, in the year of our Lord 1887.

(L.S.) THOS. M'BEATH,
Mayor.

A. J. M'CARNEY,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF CUDGEGONG—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 6th July, 1888.**CUDGEGONG MUNICIPALITY.—BY-LAW.**

THE following By-law, made by the Council of the Borough of Cudgegong, under the "Municipalities Act of 1867," for regulating interments within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF CUDGEGONG.—BY-LAW.

No body shall be interred in any cemetery in the Borough of Cudgegong, now open, or which may at any time be open, for burials within the distance of one hundred yards from any dwelling-house, public pathway, street, or road within the said Borough, except in the new cemetery, situated on the Maitland Road.

Any person or persons who shall knowingly inter, or cause to be interred, any body within the Borough, contrary to the provisions of the above By-law, or otherwise commit a breach thereof, shall for every offence be liable to a penalty not exceeding fifty pounds or less than five pounds.

(L.S.) GEO. CROSSING, Mayor.

W. C. REYNOLDS, Council Clerk.

Cudgegong Council Chambers, Mudgee, 7th February, 1888.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES

(BOROUGH OF EAST MAITLAND—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 26th November, 1887.

BY-LAWS OF THE BOROUGH OF EAST MAITLAND.

THE following By-laws, made by the Council of the Borough of East Maitland, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAWS to regulate the proceedings of the Borough Council of East Maitland; the collection of rates; the prevention and extinguishing of fires; the care and management of the public roads and streets; the suppression of nuisances and houses of ill-fame; and for the general good rule and government of the Borough.

Preamble.

Whereas it is expedient that provision should be made for regulating the proceedings of the Borough Council of East Maitland, &c., and in accordance with a resolution adopted by the said Borough on the 10th day of August, A.D. 1887, and in virtue of the power and authority vested in them in that behalf, that the following by-laws do now take effect—they are hereby established for the purposes aforesaid.

Standing Orders of the Borough Council of East Maitland.

1. The Chairman shall preserve order, and his decision on disputed points of order shall be final.
2. When the Chairman is required or called upon to decide a point of order or practice, he is to state the rule, custom, or precedent applicable to the case, without argument.
3. The Mayor or Chairman for the time being may take part in all the proceedings of the Council.
4. The Mayor or Chairman shall put all questions to the meeting, and declare the sense of the Council thereon.
5. The Mayor or Chairman for the time being, in case of an equality of votes upon any division, shall have a casting vote in addition to his original vote as Alderman.
6. If two or more members rise to speak at the same time, the Mayor or Chairman shall decide which member is entitled to pre-audience.
7. The Chairman may, without waiting for the interposition of any member of the Council, call to order any member of the Council proceeding to speak a second time on the same question, unless in explanation when he has been misrepresented or misunderstood: Provided, however, that the mover be allowed to reply, and that every member shall be entitled to speak once on every amendment as well as on the original motion.
8. In Committee the foregoing rule shall apply, with the exception that any member shall be allowed to speak twice,

9. The Council shall vote by show of hands, but any Alderman may call for a division on any question.

10. The Chairman shall, on every motion made and seconded, put the question first in the affirmative and then in the negative, and he may do so as often as may be necessary to enable him to form and declare his opinion, from the show of hands as to the majority.

11. In special cases, such as the accepting of tenders, the appointment of Committees, or any officers, the Council may, if they deem it expedient, have recourse to the ballot (which may be done on motion without notice), and cause the names of the tenderers or candidates to be written on slips of paper, of which one shall be handed to each Alderman. Having struck out the names of all but those for whom he votes, each Alderman shall fold his paper and hand it to the Chairman. The ballot-papers, having been first mixed so as to prevent identification, shall then be examined by the Chairman in the presence of the Alderman, and the result ascertained and recorded.

12. Every member shall stand when speaking, and address the Chair.

13. No Alderman, when discussing any matter, shall be interrupted unless by a call to order, when he shall sit down. The Alderman calling to order shall then be heard, and the question of order decided before the debate or any other business is resumed.

14. No Alderman shall digress from the subject under discussion, nor make personal reflections on members, nor impute motives, and all personal reflections shall be considered highly disorderly, and any member so offending shall be required by the Mayor or Chairman to withdraw the expression and to make a satisfactory apology to the Council.

15. No Alderman shall make offensive personal reflections upon or impute discreditable motives to any other Alderman. Any Alderman so offending shall immediately, upon being thereto required by the Mayor or presiding Alderman, withdraw the offensive expressions and retract any such imputation of motive, and make an apology satisfactory to the Council. Any Alderman declining so to apologise and to withdraw the offensive expressions, or to retract the imputation of motive, shall be liable, on conviction, to a fine or penalty of not less than one pound nor more than five pounds for the first offence,

and on a second conviction for a like offence he shall be liable to a fine or penalty of not less than two pounds. Any Alderman may move, without notice, that the offensive words be taken down, and when this has been done it shall be *prima facie* evidence of such words having been used.

16. The foregoing by-law shall apply also to any Alderman when called to order by the Mayor or Chairman for the time being who shall refuse to obey the ruling of such Mayor or Chairman.

17. All divisions of the Council shall be entered in the minutes of the proceedings.

18. Any member may require the question or matter under consideration or discussion to be read for his information at any time during the debate, but not so as to interrupt any other member while speaking.

Order of Business.

Business of ordinary meetings.

19. The following shall be the order of business at all meetings of the Council other than special meetings.

20. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.

21. Correspondence to be read, and, if deemed advisable, dealt with.

22. Petitions (if any) to be presented and dealt with.

23. Reports from Committees and minutes from the Mayor to be dealt with.

24. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and any statements as to any facts, matters, or circumstances requiring attention by the Council or any of its Committees or officers to be made.

25. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper: Provided that it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

26. At special meetings of the Council the business after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Aldermen at whose instance such special meeting shall have been called may have directed.

27. Any motion entered on the Notice Paper, and the Alderman who has given notice of the same being absent, any other Alderman may move the same.

28. A debate may be adjourned to a later hour of the same day, or to another day specified, and the member moving the adjournment shall be entitled to pre-audience on the resumption of the same. If the Mayor be not present within half an hour after the time appointed for the meeting of the Council, or shall have signified his inability to attend, any Alderman may be elected Chairman for that particular meeting. Any number of amendments may be proposed on a motion before the Council: And when more than one amendment is moved and seconded, the question shall first be put on the last amendment, and then on the next to the last, and so on in the reverse order in which they are moved, except when such motion or amendment shall relate to the fixing of salaries, rates, or other matters of finance, in which case the lowest sum shall be put first, then the next to the lowest, and so on to the highest.

30. Any motion for adjournment if seconded, shall be put from the Chair, but if such motion be negatived it shall not be competent for any member to make a similar motion until half an hour at least shall have elapsed from the moving of the one that has been negatived.

31. No notice shall be taken by the Chairman of any motion unless it is seconded. All notices of motion shall be dated, signed, and given to the Town Clerk, and shall be considered the property of the Council, and shall not be withdrawn without leave of the Council.

32. No motion, the effect of which if carried, would be to rescind any motion which has already passed the Council, shall be entertained for a period of three months from the date of such resolution (excepting matters connected with the public works) unless a call of the whole Council has been duly made for that purpose, and no motion for rescinding any resolution of the Council which has been negatived, shall be again put for three months from the time it has been so negatived.

Petitions.

33. On the presentation of a formal petition no debate shall take place until notice has been given in the usual manner, and the only question that can be entertained by the Council on the day of its presentation shall be that the petition be received or that it be referred to a Committee.

34. It shall be incumbent on any member presenting a petition to acquaint himself with the language thereof, and to report to the Council that he considers it unobjectionable.

35. That all petitions be received only as the petitions of the parties signing the same.

Committees.

36. Besides such Special Committees as may from time to time be found necessary there shall be three Standing Committees, namely, a Finance Committee, an Improvement Committee, and a Committee for General Purposes, and such other Standing Committees as may hereafter be found necessary.

37. No Standing Committee of the Council shall consist of more than three members, a majority of whom shall form a quorum.

38. The Chairman of every Committee shall be the convener thereof, and may direct the Town Clerk to call meetings whenever he shall think it expedient.

39. The appointment of Special Committees shall continue until the specific duty for which they are appointed shall have been discharged, provided that such Committee may at any time be dissolved by a vote of the Council.

40. The orders of the Council shall be observed in Committee of the Whole Council.

41. Every report of a Committee shall be signed by the Chairman thereof.

42. The Finance Committee in addition to the duty of examining all accounts shall deliberate and report upon all questions affecting the finances of the Municipality which may be committed to it by a resolution of the Council. It shall be the duty of this Committee to watch generally over the financial affairs and administration of the Municipality, and it shall have the right of calling the attention of the Council by a report to any matters connected with such administration, which may seem to require such attention.

43. The Improvement Committee shall have the general inspection of all public works in progress throughout the Municipality, and shall have the right of calling the attention of the Council by report to any matters connected with such works, or with the state of any public thoroughfare which may require such attention, it shall also consider and report upon any questions of an analogous nature to those which may be referred to it by a resolution of the Council.

44. Every Committee shall have a right to take evidence upon any question of fact referred to it by a resolution. A minute of the evidence thus taken or of its substance must however in all cases of this character be appended to the Committees report.

45. The Standing Committees shall be appointed within thirty days after the commencement of each Municipal year.

46. Any member moving for a Special Committee may propose certain Aldermen as members of the same, but if demanded, the selection of the Committee shall be made by ballot.

47. Every member proposing the appointment of a Special Committee, and naming its proposed members, must name himself as one of them.

Miscellaneous Regulations.

48. In cases where security is required by the "Municipalities Act of 1867," the sureties offered shall be approved by the Council, and it shall not be competent for them to accept as sureties any of its members, or any person holding office under the Council. And in all cases in which security for the due and faithful performance of any duty or contract is required, the expenses of preparing the bond for such security shall be borne by the Council.

49. No work affecting the funds of the Corporation to an amount exceeding ten pounds shall be undertaken until the probable expense be first ascertained by the Council, and all accounts to be paid by the Council (except in cases of special contracts) shall be examined by the Finance Committee, and reported on by them before any warrant shall be issued for the payment thereof. Provided always that in cases of emergency, the Mayor, with the assent of any two Aldermen, or in the absence of the Mayor, any three Aldermen may authorize the expenditure of any sum not exceeding ten pounds, and such expenditure shall be reported to the Council at its next sitting.

50. The Bank books of the Council shall be laid before the Council at the first meeting of each quarter, or oftener if required by the Council.

51. No officer appointed by the Council shall be at liberty to show, lay open, or expose, any of the books, papers, or records of the Council to any person not a member of the Council without leave from such Council, except as otherwise provided by law.

52. No by-laws shall be decided on without due notice, as in case of motions.

53. Any member may record his protest against any decision of the Council, provided the same be made in writing before the next meeting of the Council, and couched in respectful language, and be consistent with truth. Notice of such intention must however be given on the adoption of the resolution.

54. No election to any paid office at the disposal of the Council shall take place until seven day's notice be given in a local newspaper inviting applications for the same.

55. The Town Clerk shall have charge of the Common Seal of the Corporation and shall be responsible for the safe custody and proper use of the same, each impression thereof being duly verified by the signature of that officer, and he shall not affix the seal to any corporate documents without the express order of the Council, nor unless such documents have the signature of the Mayor.

56. Any one or more of the standing orders of the Council may be suspended *pro tempore* in cases of emergency, provided that the majority of the members present deem it necessary.

Collection of rates.

57. The rates shall be levied and collected yearly, and shall be held to be due and payable on and after such day as the Council shall by resolution appoint from time to time.

58. All persons liable to pay any rates or assessments shall pay the amount within the time prescribed by the Act into the office of the Council Clerk during office hours.

The Bailiff and his duties.

59. The bailiff shall be appointed by a resolution of the Council, and may at any time be removed in a similar way.

60. The bailiff shall find two sureties to the satisfaction of the Mayor to the extent of fifty pounds each for the faithful performance of his duty.

61. The bailiff shall make all levies and distresses for the recovery of rates under warrant, in the form of the schedule hereto annexed and marked with the letter A, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

62. At the time of making a distress, the bailiff shall forthwith make out a written inventory in the form or to the effect of the schedule annexed hereto, and marked with the letter B, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress has been made, and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress has been made, and the bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after the making of such distress.

63. It shall be lawful for the bailiff and such assistant, as he may take with him to enter into any part of the land, building, tenement, or other property in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof, and if the sum for which such distress shall have been made or taken shall not be paid on or before the expiration of five days it shall be lawful for such bailiff to sell the goods so distrained, or a sufficient portion thereof by public auction either on the premises or at such other place within the Municipality as the said bailiff may think proper to remove them to for such purpose, and the surplus, if any, that may remain after deducting the amount of the sum distrained for, together with the expenses, attendant upon such distress shall be paid over on demand to the owner of the goods so sold: Provided always that nothing herein contained as to the time of sale shall apply to any corn, grass, hops, roots, fruits, pulse, or other product whatever which may be growing at the time of the same being seized as a distress.

64. The bailiff in making a distress as aforesaid may impound or otherwise secure the distress so made of what nature or kind soever it may be in such places or in such part of the land or premises chargeable with the rate as shall be most fit and convenient for this purpose, and it shall be lawful for any person whatsoever after the expiration of the five days hereinbefore mentioned to come and go to and from such place or part of the said land or premises where any distress shall be impounded and secured as aforesaid in order to view, and buy, and in order to carry off and remove the same on account of the purchaser thereof.

65. The owner of any goods so distrained upon may at his or her option direct and specify the order in which they shall be successively sold, and the goods and chattels shall in such case be put up for sale according to such direction.

66. The bailiff shall hand over to the Council Clerk all proceeds of such distresses within forty-eight hours after having received the same.

67. The bailiff with the sanction of the Mayor of the Borough may authorize any person to act temporarily as his deputy, and the person thus authorized shall have and exercise for the time being all the powers of the bailiff himself, but the bailiff and his sureties shall in every case be held responsible for the acts of such deputy.

68. The bailiff shall be paid for every levy made under these by-laws according to the schedule hereunto annexed marked C.

Preventing and extinguishing fires.

69. No householder shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, powder, or combustible materials of any kind in such a manner as to endanger contiguous buildings.

70. It shall be lawful for the Mayor upon the representation of one or more householders that fire is being used to the danger of contiguous buildings, to cause a notice in writing to be served upon or left at the residence of the owner or occupier of the premises on which any such fire may exist, and direct (if the urgency of the case should require it), that the said fire shall be removed at once or within any reasonable time afterwards which he might deem expedient.

71. Any such householder, however, shall have the right to show cause (except in what may, as already related, be considered urgent cases) why the said or any such fire should not be removed. And the opinion of a majority of the Council in such cases shall be final.

72. In every case in which it shall be made to appear to the satisfaction of any two Justices of the Peace that the chimney of any house, or building within the limits of the Municipality has taken fire, from the occupier of any such house or building having omitted to cause such chimney to be regularly and sufficiently swept and cleaned, or from any other neglect of such occupier, or of his or her servant or servants, such occupier shall on conviction before any two Justices of the Peace forfeit and pay for every such offence any sum not exceeding forty shillings, to be recovered by distress and sale of the offender's goods and chattels. And in every such case the proof that any such chimney did not take fire through the neglect of such occupier in not having the same regularly and sufficiently swept or cleaned shall be upon such occupier.

Care and management of the public roads, and streets, and public thoroughfares of the Borough.

73. All roads and public thoroughfares, streets, and lanes within the Municipality, which have been, or hereafter may be, duly proclaimed or marked out, or in actual public use as such, shall be from henceforth under the charge and care of the Borough Council.

74. The Surveyor of the Municipality duly appointed by the Council thereof, or any person acting for him, shall be the proper person for marking out, when necessary, any roads, streets, or thoroughfares in actual public use as such within the Borough, in marking out such roads, streets, or thoroughfares, recourse shall be had, when practicable, to the plans under which lands with frontage to the road, street, or thoroughfare in question shall have been sold. And it shall be the duty of the surveyor, or any person acting for him, to place posts at the corners or intersections of any roads, streets, lanes, or thoroughfares, wherever the same may be considered necessary or desirable by the Municipal Council, so as to give a width of forty-two feet at least for the carriage-way, and twelve feet at least for the foot-way on each side, when the street shall be sixty-six feet wide and in proportion, and in the discretion of the said surveyor or person acting for him, in any public roads, streets, lanes, or thoroughfares of other width than sixty-six feet.

75. Whenever any road, street, or lane has been marked out in the manner herein provided, no house, shop, fence, or other structure shall be erected or allowed to project or encroach on any part thereof.

76. Whenever any foot-ways shall have been marked out the surveyor, or person acting for him, may, with the sanction of the Council, cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter or thing that may injure or obstruct the said foot-way, or render it unequal or inconvenient, and which now is, or may hereafter be erected or placed on the space marked out for any of the said foot-ways.

77. The surveyor may at any time, or the person acting as such, on the order of the Council, and upon due notice of ten days, direct the removal of any building, fence, or other obstruction or encroachment which shall be made in and upon any road, street, lane, or thoroughfare, under the charge of the Council. Notice shall, in this case, be served either personally, or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same, or caused it to be erected, or who may be in charge of the same.

78. In any case where, after the notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own proper officer, and at the cost of the owner or of the person thus offending, or of the person who may be in charge thereof. Provided that the expenses thereby incurred shall in no case exceed the sum of fifty pounds, to be recovered summarily in manner provided for the recovery of penalties under these by-laws.

79. In case when the obstruction or encroachment cannot be removed unless at a greater cost than fifty pounds, it shall be open to the Council either to direct such removal and to

pay all costs thereof above fifty pounds from the Municipal funds, or to proceed by action of trespass against the person causing such obstruction or encroachment, or who may be in charge thereof.

80. The foregoing provisions shall be equally applicable to all obstructions by digging or excavation.

81. The Surveyor, or person acting for him, may at any time by order of the Council, cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose, and any person or persons offending against this by-law, either by travelling on or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding fifty pounds for every such offence.

82. No person shall be allowed to obstruct any pathway, road, street, or public thoroughfare within the Municipality by building materials, drays, carts, goods, merchandise, or anything whatsoever calculated to obstruct or hinder free passage, without the sanction of the Mayor in writing. And no person shall be allowed to leave water-holes or excavations for cellars or other purposes unfenced, or in such a manner as to be dangerous to passers-by, under a penalty not exceeding forty shillings. And at all places where buildings are being carried on, or where any obstruction to the danger of passers-by exists, the person causing such obstruction shall be required to provide lights on either side, and keep the same lighted from sunset to sunrise.

Trespass and removal of Nuisances, &c.

83. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning into any public water-course, sewer, water-hole, river, creek, or canal, or who shall suffer filth of any kind to flow from his or her premises into any such water-course, sewer, water-hole, river, creek, or canal, or who shall permit or suffer any slops, suds, or filth to flow from his or her premises over any of the foot-ways or streets of the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever to flow into any public water-course, sewer, water-hole, river, creek, or canal—or obstruct or divert from its channel any such sewer or water-course, shall forfeit any sum not exceeding five pounds, and shall pay the cost of removing such filth or obstruction, or of restoring such sewer, river, or water-course to its proper channel. Such penalty and costs of removal to be recovered summarily in the manner provided for the recovery of penalties under these by-laws.

84. No person shall form, dig, or open any drain or sewer in any public road, street, lane, or thoroughfare, or shall cut up the surface of any such road, street, lane, or thoroughfare, upon any pretence whatever, without leave in writing from the Mayor.

85. No person shall be allowed to throw rubbish, sweepings, or deposits of any kind whatsoever on the streets, pathways, or gutters of the Borough.

86. No driver, carter, or other person shall wilfully or negligently do or suffer, or cause to be done any damage or injury to the kerb stones, gutters, or pathways of any street or roadway. And no person shall be at liberty to drive a wheeled vehicle of any kind, or ride or drive, lead or stand, or permit to stand, any horse or horses, or other animals on the pathways within the Borough.

87. Any person who shall form, dig, or open any drain or sewer on any part of the roads, streets, or thoroughfares of the Borough—or who, from the banks of any of the creeks or rivers which bound the Borough, over which the Council may have control, shall remove or cause to be removed, any turf, loam, clay, sand, soil, gravel, stone, or other material without leave in writing first had and obtained from the Council—or who shall break up or otherwise damage any part of the said roads, streets, or thoroughfares, shall on conviction before any two Justices of the Peace, forfeit and pay for every such offence any sum not less than ten shillings nor more than five pounds.

88. Any person who shall damage any public building, wall, parapet, bridge, road, street, sewer, water-course, sluice, pump, fountain, cock, water-pipe, shoot, embankment, or other public property in the possession of the Council, shall pay the costs of repairing the same, such costs to be recovered summarily in the manner provided for the recovery of penalties under these by-laws, and if the same be wilfully done, shall, on conviction before any one or more Justices of the Peace, forfeit and pay a sum not less than five shillings and not exceeding ten pounds.

Throwing filth on carriage or foot-ways—Driving carriages or barrows on pavements, &c.

89. If any person shall, in any street or road, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or foot-way of any such street or road—or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other cattle in or so

near to any of the said streets or roads, as that any blood or filth shall run or flow upon or over or be on any such carriage or foot-way—or shall, run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the foot-ways of any street or road, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, or any truck or cask—or shall wilfully lead, stand, drive, or ride any horse or other beast upon any of the foot-ways aforesaid, every person so offending, upon conviction before any Justice of the Peace, or upon the view of any such Justice, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings for every such offence.

Awnings.

90. Nothing in these by-laws contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house, provided, however, that such awning be not less than eight feet above the height of the foot-way in front of such house or shop, and that the posts to be placed in the kerb-stone at the outer edge of such foot-way.

Suppression of nuisances or houses of ill-fame.

91. No householder or resident shall be permitted, under a penalty of any sum not exceeding ten pounds, to allow his or her premises, yards, closets, or drains to be offensive or a nuisance to the neighbouring householders or residents.

92. No noisome or offensive trade shall be permitted, under a penalty of any sum not exceeding ten pounds, to be carried on in any premises to the inconvenience or annoyance of the residents of neighbouring or adjoining houses or premises.

93. Upon representation of any respectable householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other person appointed by the Council shall make an inspection of the premises complained of, and the officer of the Council shall have full power without any other authority than this by-law to go upon such premises for the aforesaid purpose; and if any such premises shall be found to be a nuisance, or otherwise offensive, notice in writing shall be given to the proprietor or resident of such premises, that if within seven days after the service of such notice, the nuisance shall not be removed, the proprietor, tenant, or occupant of the aforesaid premises shall, upon conviction before any two Justices of the Peace, be liable to any penalty not exceeding fifty pounds.

94. Upon representation by any respectable ratepayer that the house, or neighbouring or adjoining premises is of ill-fame, it shall be lawful for the mayor and any alderman to cause the residents of such house or premises to furnish to the Council a list of the names, age, sex, birth-place, and occupation of all the inmates of the said house or premises, and upon non-compliance with such request, or, if upon consideration, the Mayor and any Alderman consider the house to be of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and the Mayor shall cause a notice in writing to be served upon such householders or residents to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice, otherwise they shall, upon conviction before any two Justices of the Peace, be liable to any penalty not exceeding fifty pounds for every day or part of a day during which such nuisance shall remain unabated within the Municipality.

95. Any owner or occupier of any house or place who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit, upon conviction, and pay a sum not exceeding forty shillings, nor less than ten shillings, for every such offence.

Swine, horses, goats, &c., not suffered to wander about the Streets.

96. It shall not be lawful for any person whatsoever to suffer any kind of swine, or any horse, ass, mule, sheep, or goat, or other cattle belonging to him or her, or under his or her charge, to stray or go about or to be tethered or depastured in any road, street, or public place; and any person who shall so offend shall, on conviction, forfeit and pay for every such offence a sum not exceeding forty shillings.

Hog-styes and Nuisances not removed on complaint.

97. In case any privy, hog-sty, boiling-down, or any other matter or thing which shall at any time or times hereafter be in any place within the said Municipality, shall be or become a nuisance, it shall be lawful for the said Council upon complaint thereof to them made by any of the inhabitants, and, after due investigation, of such complaint by notice in writing to order that such privy, hog-sty, boiling-down, or other matter or thing being a nuisance, shall be remedied and removed within seven days after such notice shall have been given to the owner or occupant of the said premises wherein such nuisance shall exist, or shall have been left for such owner or occupier at his or her last or usual place of abode or on the said premises, and every such owner or occupier neglecting to remedy or remove such nuisance pursuant to such notice and to the satisfaction of the Council, shall, on

conviction, forfeit and pay any sum not less than one pound nor more than ten pounds for every such neglect or disobedience; and also it may be lawful for the said Council to indict, or cause to be indicted, for such nuisance, such person so neglecting or disobeying any such notice at the then next Court of General or Quarter Sessions, to be held in or nearest to the said Municipality; and such person or persons being found guilty thereof, such nuisance or nuisances shall be removed, taken down, and abated, according to the law with regard to public or common nuisances.

Drawing and trailing Timber, &c.

98. If any person shall haul or draw, or cause to be hauled or drawn upon any part of the streets, roads, or public places, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages to drag or trail upon any part of such streets or public places to the injury thereof, or to hang over any part of any such carriage, &c., so as to occupy or obstruct the street or road beyond the breadth of the said carriage—every such person so offending shall, upon conviction, forfeit and pay for every such offence a sum not exceeding forty shillings over and above the damages occasioned thereby, and it shall be lawful for any constable to apprehend any person whom he shall find in the act of committing any such offence, and to convey such person before any Justice of the Peace to be dealt with according to law.

Cellars or openings beneath the surface of foot-ways prohibited.

99. It shall not be lawful for any person to make any cellar or any opening, door, or window in or beneath the surface of the foot-way of any road, street, or public place, and if any person shall offend in the premises he shall forfeit and pay any sum not exceeding five pounds over and above the expenses of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices.

Wells to be covered over, &c.

100. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof, and any road, street, or foot-way within the limits of said Borough, or at the side thereof, or in any yard or place open or exposed to such road, street, or foot-way, shall cause such well to be securely and permanently covered over, and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her last known place of abode or on the said premises, shall, on conviction before any Justice of the Peace, forfeit and pay the sum of two shillings and sixpence for every day that such well shall remain open or uncovered contrary to the provisions hereof.

Enclosure around scaffolding.

101. If any person shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left any hole in or adjoining to any street, road, or public place for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good and sufficient manner—or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be reasonably required—or shall not, when thereunto required by the said Council or its officer, well and sufficiently fence or enclose any such hole within twenty-four hours after he shall be required to do so by the said Council or officer, and in the manner and with such materials as they or he shall direct, and to their or his satisfaction, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure—or shall fail to place or erect a fence, rail, or hoarding around any scaffolding or ladder that may be required during the repairs or erection of any building (such fence, rail, or hoarding not to extend beyond the foot-way of any street)—or fail to keep, during the existence of such fence, rail, or hoarding, a light burning from sunset to sunrise, at each corner of the same, then, and in every such case, the person so offending shall, on conviction, forfeit and pay for every such offence, and for every such refusal or neglect, any sum not being less than forty shillings nor exceeding five pounds.

Erections, &c., in front of public roads, streets, &c.

102. No person shall build, erect, put up, or remove, or cause to be built, erected, put up, or removed, any building, house, shop, warehouse, wall, or fence, fronting any public street, road, or thoroughfare, unless he shall have previously given seven days' notice of his intention to commence such works to the Mayor or the Council Clerk of the Municipality; and any person so offending shall, upon conviction before a Justice of the Peace, pay for every such offence, any sum not less than ten shillings nor more than forty shillings.

Slops, night-soil, &c., to be conveyed away only at certain hours.

103. If any person or persons shall drive, or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein through or in any of the streets or roads or public places within the said Borough, between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart, or other carriage so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt or filth in or upon any such streets or public places, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter, otherwise than in properly-covered and water-tight carts or other vehicles, or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council, or the said Inspector of Nuisances shall, for every such offence, forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

104. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, 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 that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; or if the driver of any vehicle, waggon, dray, cart, or coach, shall proceed from one street into another at a pace faster than that known as walking; or shall at any time between sunset and sunrise on any occasion fail to have lamps lighted, one on either side of such vehicle, waggon, dray, cart, or coach, showing a white light in front and red at the back clear of such vehicle, waggon, dray, cart, or coach; 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 by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings.

Furious or careless driving, &c.

105. Any person who shall ride or drive through or upon any street or public place within the said Borough, so negligently, carelessly, or furiously, that the safety of any other person shall or may be endangered, shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Leading animals on foot-paths, &c.

106. Any person who shall lead, drive, or stand, or permit to stand or ride any horse or other animal upon any of the foot-paths of any of the streets or roads of the Borough shall, upon conviction before any Justice of the Peace, forfeit and pay any sum not exceeding forty shillings nor less than five shillings.

Affixing placards on walls and chalking thereon.

107. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, or building by chalk or paint, or in any other matter, without the consent of the owner thereof. And any person who shall be guilty of any such offence shall, on conviction before any two Justices, forfeit and pay the sum of ten shillings.

Open spaces and steps adjoining the foot-ways to be enclosed under penalty.

108. Every owner or occupier of any house, building, premises, or land within the said Borough, having any entrance, area, garden, or other open space, or any vacant building, lot, water-hole, or excavated space adjoining the foot-way of any street or public place in such Borough, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the foot-way of any such street or public place shall, in like manner, protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing. And on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds.

Carrying carcasses of newly-slaughtered meat, &c.

109. Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place the carcass, or any part of the carcass of any newly-slaughtered animal, without a sufficient and proper cloth covering the same for concealment from public view, shall be liable, on conviction, to a penalty of any sum not exceeding two pounds for every such offence.

Rain not to be carried on foot-ways.

110. It shall not be lawful for any person whomsoever to carry by means of pipes, gutters, or other contrivances any rain-water from the roof of his or her premises or house, nor permit nor suffer any rain-water to drop from the roof of his or her premises or house upon any part of the foot-ways of any street or public place within the Borough. And any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any Municipal Officer, shall, on conviction, forfeit and pay the sum of five shillings, and a like sum for every day, or part of a day, that the same shall not be remedied or removed: Provided that the owner of any such house or premises may convey any such rain-water by means of pipes laid under the surface of any such foot-ways into the gutters adjoining the same. And provided also that all such pipes shall be laid down to the satisfaction of, and under the superintendence of the Town Surveyor or any other person appointed by the Council.

Breaking horses, &c.

111. It shall not be lawful for any person or persons in any street or public place within the Municipality to drive any carriage or carriages for the purpose of breaking, exercising, or trying horses, or to ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, showing, or exposing for sale any such horse, mare, or gelding otherwise than by passing quietly through such streets or public places: Provided further that no person or persons shall be allowed within the said Borough to furiously or carelessly drive any horse, mare, or gelding to or from any public watering-place, creek, or river. And the person or person in charge thereof, and who shall be *prima facie* presumed to be the owner of the said animal or animals, and shall be liable accordingly, and every person so offending, upon conviction before any two Justices of the Peace, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Damaging trees, &c.

112. Any person who shall wilfully and without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or under wood growing in or upon any street or place under the management of the Council shall forfeit any sum not exceeding ten pounds nor less than one pound. Any owner or occupier of land within the Municipality under cultivation, or which has been cleared and enclosed by fences, who shall permit or suffer to grow or remain on the said lands the weeds known as Bathurst burr, Scotch thistle, or other noisome weeds, and who shall fail to extirpate, remove, or destroy the same within ten days after the receipt of a notice in writing by post or otherwise from the Council so to do, shall for every

such offence forfeit and pay a sum not exceeding five pounds nor less than twenty shillings, to be recovered in a summary way before any two Justices in Petty Sessions. It shall not be lawful for any person or persons to ride upon or propel any bicycle, tricycle, or other machine of like character upon or along any of the foot-paths in any part of the Borough, and any person so offending shall, upon conviction, before any two Justices, forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

All the by-laws passed by the Council of the Borough of East Maitland, and dated 8th day of May, 1871, the 26th February, 1877, and the 13th April, 1881, are hereby repealed.

113. All fines and penalties incurred under these by-laws may, anything in the said by-laws to the contrary notwithstanding, unless otherwise provided for, be recovered in a summary way before any two Justices in Petty Sessions according to the provisions of the Act fourteen Victoria number forty-three and the Acts therein adopted.

SCHEDULE A.

Warrant of distress.

I, _____, the Mayor of the Municipality of East Maitland, do hereby authorize you _____, Bailiff of the said Borough, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of _____, being the amount of Municipal rates due to the Borough to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 18 . _____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the name of the Mayor of the Municipality of East Maitland, dated _____, distrained the following goods and chattels, in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the Borough of East Maitland, for the sum of _____, being the amount of rates due to the said Municipality to the _____ day of _____, 18 .

Dated this _____ day of _____, 18 . _____ Bailiff.

SCHEDULE C.

Fees to a Bailiff.

For making entry, five shillings; if in possession more than five hours, five shillings additional; and for every subsequent day whilst in possession, five shillings; and five per cent. on the net amount of sale.

(L.S.) GEO. THOS. CHAMBERS,

Mayor.

P. BOWES, Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF GLEN INNES—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 19th June, 1888.

MUNICIPAL DISTRICT OF GLEN INNES.—ADDITIONAL BY-LAW.

THE following additional By-law made by the Council of the Municipal District of Glen Innes, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF GLEN INNES.—ADDITIONAL BY-LAW.

Part IV, By-law 48.

Extirpation of Noisome Weeds.

ANY owner or occupier of land within the Municipal District of Glen Innes who shall permit or suffer to grow on the said land the weeds known as the Thistle and Bathurst Burr, or other noisome weeds, and who shall fail to extirpate, remove, or destroy the same within seven days after the receipt of a notice in writing, by post or otherwise, from the Council of the said Municipal District or any authorized officer thereof, so to do, shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than one pound: Provided that where no occupier or owner can be proceeded against, the Municipal Council shall incur the necessary expenses.

The foregoing additional By-law was made and passed at a meeting of the Municipal Council of Glen Innes, held this seventh day of February, 1888.

(L.S.) MORETON H. FITZHARDINGE,

Mayor.

A. A. VENESS, Council Clerk.

1887.
(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.
(BOROUGH OF GOSFORD—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office, Sydney, 23rd August, 1887.

GOSFORD MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Gosford, under the "Municipalities Act of 1867," for regulating, managing, and establishing tolls, rates, and dues at the Public Wharf at Gosford, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS to enable the Municipal Council of Gosford to regulate, control, and manage, and to establish tolls, rates, and dues at the Public Wharf, Gosford, passed by the By-laws Committee at a meeting held on the twenty-third day of May, 1887.

1st. That the Public Wharf at Gosford, situate in the Municipality of Gosford, is a Public Wharf at which tolls, rates, and dues may be collected under the Municipalities Act of 1867.

Vessels not to make fast to wharf, &c.

2nd. No ship, steamboat, or other vessel shall be allowed to make fast to or remain alongside the said wharf, except while actually loading or unloading cargo, or landing or taking off passengers; and no owner or master of any ship, steamboat, or other vessel shall suffer or allow any such vessel to remain alongside the said wharf longer than may be necessary to load or unload cargo, or to land or take off passengers.

Regulations as to carts, &c.

3rd. No dray, cart, or other vehicle shall be allowed to remain on the wharf longer than the time actually occupied in loading or unloading the same; and no such vehicle shall at any time be left upon the said wharf or entrance thereto unless in charge of a person competent to manage the same.

Goods not to be left on the wharf.

4th. No goods or merchandise, produce, or live stock shall be allowed on the wharf for any longer time than may be necessary to ship, store, or cart away the same, and during any time they may remain they shall be so placed as not to interfere with the general use of the wharf.

No bulky or building material to remain on wharf.

5th. No shells, lime, timber, stone, bricks, iron, or other building or bulky material shall be allowed to remain on the wharf for more than two clear days after being landed, except with the permission of the Council, and subject to the following scale of charges:—

Posts and rails, per 100, per diem	1d.
Laths, per 10,000, per diem	1d.
Palings or shingles, per 1,000, per diem.....	1d.
All other unenumerated articles, per ton, per diem..	6d.

Against misconduct.

6th. No person shall, whilst on the said wharf, make a riot or disturbance, or be guilty of cursing or swearing or using any gross or indecent language, or offending against common decency, or being drunk, or in any way misconducting himself.

Tolls, &c, may be collected.

7th. That the Municipal Council for the time being of the Borough of Gosford shall be entitled to, and may charge, demand, and receive at the said wharf, the tolls, rates, and dues following, that is to say:—

Rate of tolls, &c.

8th. For each steamer embarking or landing passengers or cargo at the said wharf, not exceeding ten shillings for each week, or three shillings per day for any term less than a week; for all other vessels embarking or discharging any cargo, not exceeding sixpence for each ton or any quantity less than a ton at one time.

Vessels not to make fast.

9th. No vessel other than such as shall have a right to ply, embark, or land cargo at the said wharf, will be allowed to make fast any wharfs to the same.

Breach of By-laws.

10th. Any person who shall wilfully commit a breach of these By-laws shall for the first offence forfeit and pay a sum not to exceed two pounds, for the second offence a sum not less than two pounds and not exceeding five pounds; recoverable before any two Justices of the Peace.

11th. The control and management of the wharf to be vested in the Council Clerk.

Finally adopted by the Municipal Council of Gosford, on the twenty-fifth day of May, in the year one thousand eight hundred and eighty-seven.

(L.S.) J. B. WHITEWAY,

Mayor.

ROBERT J. WHITE, Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF GOSFORD—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 22nd May, 1888.

THE following By-laws, made by the Council of the Borough of Gosford, under the "Municipalities Act of 1867," for regulating, &c., the local Public Wharf, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS to enable the Municipal Council of Gosford to regulate, control, and manage, and to establish tolls, rates, and dues at the Public Wharf, Gosford, passed by the By-laws Committee, at a meeting held on the 11th of January, 1888.

1. That the public wharf at Gosford, situate in the Municipality of Gosford, is a public wharf at which tolls, rates, and dues may be collected under the Municipalities Act of 1867.

Vessels not to make fast to wharf, &c.

2. No ship, steamboat, or other vessel shall be allowed to make fast to or remain alongside the said wharf, except while actually loading or unloading cargo, or landing or taking off passengers; and no owner or master of any ship, steamboat, or other vessel shall suffer or allow any such vessel to remain alongside the said wharf longer than may be necessary to load or unload cargo or to land or take off passengers.

Regulations as to carts, &c.

3. No dray, cart, or other vehicle shall be allowed to remain on the wharf longer than the time actually occupied in loading or unloading the same; and no such vehicle shall at any time be left upon the said wharf or entrance thereto unless in charge of a person competent to manage the same.

Goods not to be left on the wharf.

4. No goods or merchandise, produce, or live stock shall be allowed on the wharf for any longer time than may be necessary to ship, store, or cart away the same; and during any time they may remain, they shall be so placed as not to interfere with the general use of the wharf.

No bulky or building material to remain on the wharf.

5. No shells, lime, timber, stone, bricks, iron, or ether building or bulky material shall be allowed to remain on the wharf for more than two clear days after being landed, except with the permission of the Council, and subject to the following scale of charges:—

	s.	d.
Posts and rails, per 100, per diem	0	1
Laths, per 10,000, per diem	0	1
Palings or shingles, per 1,000, per diem	0	1
All other unenumerated articles, per ton, per diem	0	6
Firewood, per ton, per diem	0	1

Against misconduct.

6. No person shall, whilst on the said wharf, make a riot or disturbance, or be guilty of cursing or swearing or using any gross or indecent language, or offending against common decency, or being drunk, or in any way misconducting himself.

Tolls, &c., may be collected.

7. That the Municipal Council for the time being of the Borough of Gosford shall be entitled to, and may charge, demand, and receive at the said wharf, the tolls, rates, and dues following, that is to say:—

Rate of tolls, &c.

8. Each steamer embarking or landing passengers or cargo at the said wharf, ten shillings for each week or three shillings per day for any term less than a week; for all other vessels embarking or discharging any cargo, sixpence for each ton or any quantity less than a ton at one time.

9. No owner, master, or agent of any steamship or sailing vessel shall land or embark any cargo at the said wharf until the wharfage dues in accordance with these By-laws shall have been paid, or until an arrangement satisfactory to the wharfinger in charge of the wharf shall have been made for the payment of the same.

Vessels not to make fast.

10. No vessel other than such as shall have a right to ply, embark, or land cargo at the said wharf will be allowed to make fast any warps to the same.

Breach of By-laws.

11. Any person who shall wilfully commit a breach of these By-laws shall for the first offence forfeit and pay a sum not to exceed two pounds; for the second offence a sum not less than two pounds and not exceeding five pounds, recoverable before any two Justices of the Peace.

12. The control and management of the wharf to be vested in the Council Clerk.

Finally passed by the Council, this 11th day of January, in the year one thousand eight hundred and eighty-eight.

(L.S.) J. B. WHITEWAY,
Mayor.

WM. HASTINGS,
Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF HAY—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 21st November, 1887.**MUNICIPAL DISTRICT OF HAY.—ADDITIONAL BY-LAWS.**

THE following additional By-laws, made by the Council of the Municipal District of Hay, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

Driving, &c., over footways.

ANY person who shall drive, run, roll, draw, or place, or cause, permit, or suffer to be run, rolled, or placed, or driven, or drawn upon any footway of any street or public place in the Municipal District of Hay, any waggon, cart, dray, velocipede, or other carriage (save perambulators, which may be drawn thereon), or any wheel, wheelbarrow, hand-cart, or truck, or any hogshead, cask, or barrel, or any other article or thing, or shall lead, drive, or ride any horse, ass, mule, horned or other cattle upon any of the footways aforesaid, then and in every such case every person so offending shall upon conviction forfeit and pay a sum not less than five shillings nor more than five pounds.

Obstructing traffic.

Any person who shall continue to occupy with any horse or other animal, or any carriage, coach, omnibus, dray, cart, truck, or other vehicle, or with any team or teams of horses or cattle, or with any goods, wares, merchandise, boxes, cases, or any other article or thing, any street or footway within the Municipal District of Hay, after he shall have been required by any Inspector of Nuisances, or constable, or other officer of the Council, to remove the same, or who shall replace the same after having been required to remove it, shall upon conviction forfeit and pay a sum not less than ten shillings nor more than five pounds.

(L.S.) JAMES NEWTON,
Mayor.

HENRY THOS. HAYNES, Council Clerk.

The above By-laws were made and passed by the Council of the Municipal District of Hay, at a meeting held on Thursday, the 15th September, 1887.

JAMES NEWTON,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF INVERELL—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 30th April, 1888.

INVERELL MUNICIPALITY.—ADDITIONAL BY-LAWS.

THE following additional By-Laws, made by the Council of the Municipal District of Inverell, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF INVERELL.—ADDITIONAL BY-LAWS.

PART IV.

I. Loitering, &c., on Streets.

EVERY person standing, lying down, kneeling down, or loitering upon any of the foot-ways, carriage-ways, or other public places in the said Municipal District, to the inconvenience of the passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer of the Council of the said Municipal District, or by any police constable, shall be liable to a penalty not exceeding two pounds nor less than five shillings.

II. Lights on Vehicles, Bicycles, &c.

Every person whilst driving, leading, or riding upon any cart, carriage, van, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal, through any part of the Municipality, between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, carriage, van, buggy, or other vehicle; and every person riding a bicycle, tricycle, or velocipede shall carry a lamp affixed to such bicycle, tricycle, or velocipede in a conspicuous position, under a penalty of ten shillings for the first offence, and for every subsequent offence not more than ten pounds.

Passed by the Municipal Council for the Municipal District of Inverell, this third day of January, 1888.

HENRY PLUMLEY,
Council Clerk.(L.S.) THOS. HARLAND,
Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF KEMPSEY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 7th October, 1887.

BY-LAWS OF THE BOROUGH OF KEMPSEY.

The following By-laws, made by the Council of the Borough of Kempsey, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAWS for regulating the proceedings of the Council of the Borough of Kempsey, and the duties of the officers and servants of such Council; for preserving order at meetings of the said Council; for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances and houses of ill-fame; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling-alleys and other places of amusement; compelling residents to keep their premises free from offensive or unwholesome matters; regulating public carriers, water-drawers, and vehicles plying for hire; killing of cattle and sale of butchers' meat; opening new public roads, ways, and parks; aligning and cleansing roads and streets; regulating the supply and distribution of water, sewerage, and drainage; preserving trees and shrubs; regulating free libraries; preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; preserving public decency; providing for the health of the Municipality and against the spreading of contagious or infectious diseases; restraining noisome and offensive trades; collecting and managing tolls, rates, and dues upon roads, bridges, wharves, jetties, and markets; and generally maintaining the good rule and government of the said Borough.

SECTION I.

Regulating their own proceedings and the duties of their officers and servants, and preserving order at Council meetings.

Meetings of the Council.

Clause 1. The ordinary sittings of the Council shall be on every alternate Friday in every month, at the hour of 7:30 p.m., unless such day shall be a public holiday; in that case the meeting shall be held on such other day as the Mayor shall appoint.

Election of Chairman in absence of the Mayor.—Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the Minute Book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Correspondence to be read, and orders made thereon if expedient.
3. Petitions (if any) to be presented and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
5. Payments.
6. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made.
7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper: Provided that it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section; and also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at any ordinary meeting, shall be taken in such order as the Mayor or Aldermen at whose instance the special meeting shall be called may have directed; and no other than the special business for which the meeting has been convened shall be entertained.

Business paper for ordinary meetings—how prepared.

5. The business paper for every meeting of the Council other than a special meeting shall be made up by the Council Clerk not less than forty-eight hours before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received or shall have been required or directed so to enter in due course of law and as hereinafter provided. Every such entry shall be made (subject to the provisions of sec. 4 of this Part of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

7. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper, so noted, shall be a record of the Council.

Notices of Motion, &c., to be numbered as received, and preserved until disposed of, unless withdrawn before the business is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at the then next or any future meeting shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been so disposed of shall have been duly verified, as required by section 4 of this part of the By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions and Amendments.**Motions—how to be moved.**

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

10. No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion, the effect of which if carried would be to rescind any motion which has already been passed by the Council, shall be entered upon the business paper unless a call of the whole Council has been duly made and granted for that purpose.

Amendment may be moved.

13. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of; if an amendment be carried, the amendment shall become the question before the Council, whereupon any further amendment may be moved.

Petitions and correspondence.

15. The Council may at any meeting resolve without previous notice that any petition be received, and that the same or any correspondence read be referred to a Committee to report, or that the requests contained therein be granted.

The Mayor to preserve order.

16. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

17. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order or to any point of order.

Mayor's decision on points of order final.

18. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of the Council as to laying down General Rules, &c.

19. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may hereafter arise; any rule or principle thus laid down shall be binding on all parties unless and until it be rescinded, but shall have no retrospective operations: Provided that nothing herein contained shall be held to bind any Mayor or Chairman to put any question to the Council which in his opinion is contrary to law.

Mayor may take part in proceedings.

20. The Mayor may take part in all the proceedings of the Council or Committees thereof.

Questions put by Mayor.

21. The Mayor shall put all questions first in the affirmative and then in the negative (provided that where an amendment is moved to any motion, the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final unless a division be called for.

The Mayor to decide as to the pre-audience of Alderman.

22. If two or more Aldermen rise to speak at the same time the Mayor shall decide which of them shall be entitled to pre-audience.

Aldermen to stand while speaking, &c.

23. Every Alderman shall stand while speaking, and shall address the Chair; and all the members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations as Mayor, Chairman, or Alderman, as the case may be; and no Alderman shall be interrupted while thus speaking unless for the purpose of calling him to order.

No Alderman to speak twice on the same question or amendment except in Committee.

24. No Alderman shall speak twice on the same question unless in Committee or in explanation where he shall have been misrepresented or misunderstood, and then only by leave of the Mayor or Chairman: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

25. No Alderman shall digress from the matter under discussion or make personal reflections on, or impute motives to, any other Alderman, or speak on any question more than twenty minutes.

Aldermen using offensive expressions to apologize.

26. When any member of the Council shall make use of any language or expression offensive or capable of being applied offensively to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council. And if any Alderman shall refuse to withdraw such language and apologize, he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings nor more than five pounds.

Debate may be adjourned.

27. A debate may be adjourned to a later hour of the same day or to another day.

28. The Alderman upon whose motion any debate shall be adjourned shall be entitled to pre-audience on resumption of the debate.

Adjournment.

29. Any motion for adjournment of the Council, if seconded, shall be immediately put without discussion; but if such motion be negatived it shall not be competent for any Alderman to make a similar motion until fifteen minutes shall have elapsed.

Any Alderman may divide Council.

30. It shall be competent for any Alderman to divide the Council on any question both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Alderman, and how voting, shall have been taken down by the Council Clerk, or person officiating for him.

Divisions to be entered on minutes.

31. All divisions of the Council shall be entered on the minutes of the proceedings. Any Alderman who shall be present when a division is called for, and shall not vote on such division (not being disabled by law from so voting), shall be liable for every such offence to a penalty of not less than five shillings nor more than two pounds.

Questions to be read when required.

32. Any Alderman may require the question or matter under discussion to be read once for his information, or may require the production of any records of the Council bearing upon any such question or matter; and upon such request the question or matter under discussion shall be read. But no such requisition shall be made so as to interrupt any Alderman while speaking.

Mode of proceeding in cases not provided for.

33. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Lapsed questions.

34. If a debate or any motion moved and seconded be interrupted by the number of the members present becoming insufficient for the transaction of business such debate may be resumed at the point where it was so interrupted upon motion by notice.

35. If a debate upon any order of the day be interrupted by such insufficiency of numbers as aforesaid happening, such order may be restored to the notice paper for a future day on motion upon notice, and then resumed at the point where it was so interrupted.

Committees.

36. Besides such select and special Committees as may from time to time be found necessary, there shall be standing Committees, namely,—Finance Committee, a Public Works Committee, a Lighting Committee, a Library Committee, and a Committee of general purposes.

37. The standing Committees shall consist of four members or more, three to form a quorum. Every Committee, of which the Mayor of the Borough is not a member, before proceeding to other business, shall choose its chairman. If the chairman of a Committee shall cease to be a member of the Council, or shall decline to act further as such chairman, a new chairman shall be chosen before any further business is entered upon.

38. When the report of a select Committee is brought up and presented to the Council the question as to its reception may be moved and put at once; but it shall not be adopted or taken into consideration without notice in the usual way.

39. Every Committee shall have a right to take evidence upon any question or questions of fact wherein it is the duty of such Committee to report. A minute of the evidence thus taken, or of its substance, must, however, in all cases be appended to the Committee's report.

40. Minutes of all proceedings of Committees as well as their reports, numbered in executive order, shall be entered in the Committee's minute book, and signed by the chairman of the Committee, or in his absence by some other member of the Committee.

41. The chairman of every Committee shall have the right, without asking leave of the Council, to remove from the Council Chamber for any space of time not exceeding sixty hours, any book, document, or paper, other than the minute book, either for inspection by such Committee, or for reference in preparation of the report. In all such cases, however, he shall deliver to the Council Clerk an acknowledgment under his hand of having received such book, document, or paper, and shall be held responsible for the safe keeping of the same.

42. The standing Committee shall be reappointed within one month after the commencement of the municipal year.

Special Committees.

43. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which in the opinion of the Council the special Committee ought to be appointed. And no standing Committee shall interfere with the performance of any duty which may for the time have been entrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such special Committee. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; or an amendment to the effect that such special Committee be appointed by ballot may be carried.

44. Every Alderman proposing the appointment of a select Committee must name himself as one.

45. The appointment of every special Committee shall continue until the specified duty for which it has been appointed shall have been discharged.

46. Before any proposed By-law is discussed in Council the copy thereof shall be open for public inspection, in the office of the Corporation, not less than seven days.

47. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

48. No matters of account shall be disposed of by the Council until they have been examined and reported upon by the Finance Committee.

49. No payments out of the funds of the Corporation shall be made but such as are authorized by the vote of the Council: Provided always, that the Mayor, with the assent of any two members of the Committee of Public Works may, in cases of emergency, authorize the expenditure of any sum not exceeding (£10) ten pounds; but such discretionary expenditure shall be reported to the Council at its next meeting.

Finance Committee.

50. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed, by resolution of the Council, to inquire and report upon.

Public Works Committee.

51. The Public Works Committee, as such, shall have the general inspection of all public works in progress throughout the Borough, and shall have the right of calling the attention of the Council, by report, to any matter connected with such works or with the state of any public thoroughfare which may seem to require such attention, or which they may be directed, by resolution of the Council, to inquire into and report upon.

52. No public works involving a probable expenditure of more than (£10) ten pounds shall be undertaken until the Public Works Committee have reported to the Council an estimate of the cost thereof. No works undertaken by the Council shall be deemed to have been completed, and no order shall be made for the payment in full of the same, except upon a report of the Works Committee to that effect.

53. All accounts against the Corporation, relating to works, shall be examined by the Public Works Committee, and such as are found correct shall be certified and passed by the Finance Committee.

Lighting Committee.

54. The Lighting Committee shall, once at least in each municipal year, make an inspection of the Borough, and shall recommend the erection of any additional public lamps they may consider necessary, or the removal of any existing lamps, and shall submit the report to the Council in writing.

Library Committee.

55. The Library Committee shall have general control of the Public Library, and shall, once at least, in each year submit to the Council a written report upon the same as to its efficacy usefulness, and the manner in which it is conducted, and may also recommend the purchase of additional books or any other matter or thing they have reason to consider will be of benefit.

General Purposes Committee.

56. All matters which the Council shall think fit to refer to a Committee, and which do not fall within the province of any other standing Committee shall be referred to the Committee for general purposes: Provided, however, that the Council may at any time refer such matters to a Committee appointed for that particular purpose.

Rules to be observed in Committee.

57. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

57½. The Council Clerk shall call a meeting of any Committee whenever requested so to do by the Chairman or any two members of such Committee.

Reports from Committees.

Form of Report.

58. All reports from Committees shall be in writing, and signed by the Chairman of such Committee.

Mayor's Minutes.

58½. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction, or official cognizance, by a minute in writing, signed by himself.

How reports, &c., are to be dealt with.

59. No motion shall be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may be moved or considered in due course.

Petitions.

59½. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council, and that the contents do not violate any By-law or any provision thereof.

60. Every Alderman presenting a petition to the Council shall write his name at the beginning thereof.

61. Every petition shall be in writing, and not printed or lithographed, and shall contain the prayer of the petitioners at the end thereof, and be signed by at least one person on every skin or sheet upon which it is written.

62. Every petition shall be signed by the persons whose names are appended thereto, by their names or marks, and by no one else except in cases of incapacity by sickness; and all such signatures shall be received as the signatures of the parties purporting to sign the same, without proof thereof.

63. No letters, affidavits, or other documents shall be attached to any petition.

64. Every Alderman presenting a petition to the Council shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof.

Member or officer of the Council not to be surety.

65. In cases where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

66. The Council Clerk shall attend at the office of the Council for the purpose of transacting the ordinary business of the Council on every Tuesday, from 2 to 4 p.m., and on every Friday, from 10 to 12 a.m.

67. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunder, shall perform the following duties, namely:—

1. Attend all Council meetings.
2. Attend all Committee meetings.
3. Attend all Courts of Revision and Appeal.
4. Attend the members of the Council to all Council or Committee meetings.
5. Take notes of all meetings and prepare reports of all Committees.
6. Conduct all correspondence ordered by the Council under the direction of the Mayor, and give all other officers instructions as directed by the Minutes.
7. To see that the accounts are audited and the Balance Sheet duly submitted twice a year, within the times specified by law.
8. To see to the gazetting of all By-laws and necessary advertisements.
9. To see that the Assessment Books and the Municipal Lists and Rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment to electors prior to the elections.
10. Make all necessary arrangements for the elections, preparing all papers, &c., for Presiding Officers and Poll Clerks.
11. Prepare all bonds of officers, see that the guarantees are given and arrangements duly signed, &c., and reports sent to the Council.
12. Advise with the officers from time to time as to their duties and the mode of carrying them out.
13. See that all levels and names of streets have been duly advertised as provided for by law, and authenticated by the Mayor's signature.
14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
15. He shall likewise have charge of all the records of the Council, except such books or documents as may be entrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.
16. He shall enter into a bond for not less than (£150) one hundred and fifty pounds for the faithful performance of his duties.

Custody of records, seal, &c.

68. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers, or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose, and the common seal shall not be used except with the signature of the Mayor, or in case of absence or illness of the Mayor, of two Aldermen, and countersigned by the Council Clerk.

Bonds of good conduct and deeds of real and personal estate.

69. All bonds given by officers or servants of the Council for the faithful performance of their duties and deeds of real and personal estate shall be deposited with the Bankers of the Corporation as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Records, &c., not to be defaced or altered.

70. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, book, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding (£50) fifty pounds nor less than (£5) five pounds, and upon every subsequent conviction, a penalty of not less than (£20) twenty pounds.

Nor removed.

71. Any person who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal, charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council first had and obtained, shall on conviction thereof forfeit and pay the penalty of not more than (£20) twenty pounds nor less than (£2) two pounds, and for every subsequent offence a penalty of not less than five pounds nor more than (£50) fifty pounds.

Duties of other officers and servants.

72. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be fixed by the Council.

Special powers of Mayor.

73. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record as hereinbefore provided, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information.

All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such information or explanation may, except as hereinafter provided, be either recorded *in voce* or put into writing, as the Mayor may direct.

Duties of Mayor as to correspondence.

74. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by clause 59½ of the By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the correspondence to be read, and to the order thereof, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section or clause shall devolve upon the presiding Alderman: Providing that should any correspondence not be read, the same may be moved for by motion upon notice.

Statement of accounts.

75. Not later than the months of March and September in each year, the Mayor shall lay before the Council the accounts for the previous half-year, duly audited; but should any auditor, who has by letter addressed to the Council Clerk accepted that office, not attend for the purpose of auditing the accounts when required by authority of the Mayor to do so, or refuse to certify to the correctness of the account unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

How complaints against officers are to be dealt with.

76. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to or investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation and his opinion as to what order (if any) ought to be made in connection therewith. And such complaint, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further, that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Leave of absence

77. No leave of absence shall be granted to the Mayor or any Alderman, otherwise than by resolution of the Council.

Mode of calling for Tenders.

78. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Suits and prosecutions for penalties, &c.

79. Such suits or informations for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by another officer named by the Council for that purpose. When against any other person—by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought, nor shall any such information be laid as aforesaid against any member of the Council, or auditor, except by the order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of such Council, or of the Mayor, nor against any person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit, or the laying of such information will be adverse to any previous direction by such Council, or whereon the trial or hearing of any such suit or information the same shall have been dismissed on its merits: Provided that in any such case the conduct or prosecution of any such suit or information may on the order of the Council, be entrusted to an attorney.

How notices are to be published.

80. In all cases where public notice is or shall be required to be given by any By-law, or any appointment, resolution, act, or regulation done, made, or passed, or proposed to be done, made, or passed, by the Council, or by any Committee thereof or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, or by advertising the same twice in some newspaper circulating in the Borough.

SECTION II.

Determining the time and modes of collecting and enforcing payment of the rates, either current or in arrear.

Rates—Levying Rates.

Collection of Rates.

Clause 1. All rates levied or imposed by the Council under sections 164, 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any said sections, or for any of the purposes mentioned therein, shall be collected in such manner and shall be held to be due and payable on and after such day or days as the Council may, by resolution at the time of making or imposing such rates or any of them, have appointed. All such rates shall be paid at the Council Chambers at the hours appointed by the Council for that purpose.

Rate Collector to furnish list of defaulters.

2. Every person not paying his or her rate at the time appointed shall be deemed a defaulter and it shall be the duty of the rate collector to furnish the Mayor and Council, or any Committee as directed, with lists of all persons so in default.

2½. In the event of any premises being wholly or partially destroyed by fire the Council shall have power to accept an equitable proportion of the assessed rates for the remainder of the Municipal year.

Bailiff.

3. The Bailiff shall be appointed by a resolution of the said Council, and shall be at any time removable by a like resolution.

Bailiff's sureties.

4. The Bailiff shall find two sureties, to the satisfaction of the Mayor, to the extent of twenty-five pounds each, for the faithful discharge of his duty.

Duty of Bailiff.

5. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

Warrant of distress.

6. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

7. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Borough as the Bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs as hereinafter provided, to the owner of the goods so sold on demand of such surplus by such owner.

Inventories.

8. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with which such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

9. The Bailiff on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained of what nature or kind soever in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

10. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

11. The Bailiff shall hand over to the Council Clerk, all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

12. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this By-law the costs and charges in the Schedule hereto annexed marked "C."

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Borough of Kempsey, do hereby authorize you, _____, Bailiff of the said Borough, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of £ _____, being the amount of Municipal rates due to the said Borough to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 18 ____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand and seal of the Mayor of the Borough of Kempsey, dated _____, distrained the following goods and chattels, in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the said Borough for the sum of _____, being the amount of rates due to the said Borough to the _____ day of _____ 188 ____.

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	6
For serving every warrant and making levy ...	2	6
For making and furnishing copy of inventory ..	2	0
For man in possession each day or part of a day	6	0
For sale, commission, and delivery of goods per pound sterling on proceeds of sale	1	0

SECTION III.

Streets and public places, &c.

New roads to be reported upon, &c.

1. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council, until after such road, street, way, or park shall have been examined by a Committee for works, and reported upon to the Council by such Committee.

Plans of proposed new road, and to be deposited.

2. Whenever any proprietor or proprietors of land within the said Borough, shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with the plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument, dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council, but the Council shall not be compelled to take charge of, or spend moneys on, or vote money, for any new street, road, lane, or thoroughfare that is not forty feet wide, including pathway, and unless such street, road, lane, or thoroughfare or other place is first proclaimed, and properly formed, and completed to the satisfaction of the Council at the expense of the owner or owners of the land through which such road, street, lane, thoroughfare, or other place is carried.

Roads and streets and encroachments thereon.

3. The Surveyor of the Borough, Clerk of Works, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have sold or let. And it shall be the duty of such Surveyor, Clerk of Works, or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way, and 12 feet for the footway on each side where the road, streets, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council, in any such street, road, lane, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place, until the same shall have been submitted to, and adopted by the Council as hereinafter stated: Provided further that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

4. Whenever it may be deemed necessary to alter the levels of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of rate-payers, and shall notify by advertisement in some newspaper circulating in the Borough that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footpaths may be levelled.

5. When any footway shall have been marked out in manner hereinbefore directed, the Surveyor or such officer or persons so authorized as hereinbefore mentioned may cause the same to be levelled and made as nearly as practicable of equal height and breadth and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs, &c.

6. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay the penalty of any sum not exceeding five pounds for every such offence.

No encroachment allowed on streets, &c.

7. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof, and it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or make any excavation, hole, or opening, in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council or Mayor has been obtained to the erecting or making of any such building, erection, obstruction, fence or enclosure, excavation, hole, or opening as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds, and for the second and every subsequent offence a sum not exceeding ten pounds.

Obstructing public footways.

8. If the owner or occupier of any land situated on the side of any street or road in this Borough shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut and lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained, nor shall any balcony or any other external projection as aforesaid which may hereafter be added to any existing building be allowed to project as aforesaid under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than thirty feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council, such structure not to be less than nine feet in height.

Encroachments must be removed on notice.

10. The Surveyor, or other such officer or person, may at any time, on the order of the Council and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment, in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same, or caused it to be erected.

The Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Providing that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor be less than five pounds; and in case of every successive offence the penalty on conviction not to be less than five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action by trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstruction by digging, &c.

13. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than one pound.

Hoads or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Borough of Kempsey, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, obtain permission of the Council and cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on, from the street with a convenient platform and handrail, or upon the public street or road within a distance of less than twelve feet from the building line thereof if there be room enough to leave a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid standing in good condition to the satisfaction of the officer of the Council of the said Borough during such time as the public safety or convenience requires, and shall in all cases in which it is necessary in order to prevent accidents cause the same to be sufficiently lighted during the night; and every such person who shall fail to put up such fence or hoard or platform with such handrail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the same period of such building or taking down or who shall not while the said hoard or fence is standing keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Borough within a reasonable time afterwards shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

SECTION IV.

Offences—Nuisances—General Good Order of the Borough.

Injuring or extinguishing lamps.

3. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Borough, shall over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum of not more than one pound nor less than five shillings.

Trees and enclosures.

4. The Council shall have power to plant trees on the public streets and ways of the said Borough; and any person who shall wilfully or without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum not exceeding ten pounds.

Extirpation of noxious weeds.

5. Any owner or occupier of land within the Borough of Kempsey, who shall permit to grow or remain on the said land or upon the public streets or roads within a distance of twelve feet from the boundary line thereof any of the weeds known as "Bathurst burr," "Scotch thistle," "prickly pear," "sweet briar," or any other noxious weed, and who shall fail to extirpate or destroy the same within thirty days after the receipt of the notice, in writing by post or otherwise, from the Council or proper officer of the Council so to do, shall for every such offence forfeit and pay the sum not exceeding five pounds.

Throwing dead animals, &c., into any water-course, &c.

6. Any person who shall throw or cast any filth, rubbish, saw-dust, or any other matter which shall be adjudged by the Council to be a nuisance, or any dead animal, or any animal, with intent to drown the same, into any water-course, water-hole, creek, or canal, or who shall permit or suffer slops, suds, night-soil, sewerage matter, or filth to flow from his or her premises over any of the footways or streets of the Borough, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast in any water-course, water-hole, creek, or canal, or shall obstruct or divert from its channel any sewer, or water-course, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall in addition to any such forfeiture pay the cost of removing such filth or obstruction or of restoring such water-course or canal into its proper channel.

Throwing filth on roadway, &c.

7. If any person shall, in any street, road, lane or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be on any carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any foot way, any waggon, cart, dray, sledge, or other carriage, any wheel-barrow, or truck, or any cask, or shall wilfully lead, drive or ride any horse or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds.

Rubbish for offensive matter, &c.

7½. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Borough without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law, shall forfeit and pay for every such offence, a sum not exceeding two pounds nor less than ten shillings.

Placing goods, &c., on roadway, &c.

8. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed any cask or vessel in or upon or over any road, footway, or public place within the said Borough, or shall set out, lay, or place, or shall cause, or procure, permit, or suffer to be set out, laid, or placed any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed in, upon, or over any of the said carriage or foot ways any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinbefore directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or premises over any part of such footways or carriage-ways, or over any area of any house or premises, or any other matter or thing from and on the outside of any part of any house or premises over or next to any such street or road and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed or cause to be removed any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set or lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid) in, upon, or over any of the carriage or foot ways of or next unto any streets, or roads as aforesaid, in every such case every person so offending shall forfeit a sum not exceeding two pounds.

Drawing or trailing timber, &c.

9. If any person shall haul or draw, or cause to be hauled or drawn, upon any street, road, or public place any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing that shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way so as to occupy or obstruct the street or road beyond the breadth of such carriage, every such person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor be less than one pound.

No turf, gravel, &c., to be removed from streets without leave.

10. Any person who, from any part of the roads, streets, thoroughfares, reserves, or other lands, or public places, shall remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, reserves, or other lands, or public places, or who shall wantonly break-up, or otherwise damage a part of the said roads, streets, thoroughfares, reserves, or other lands, or public places shall on conviction pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound. The driver of any vehicle shall, for the purpose of this By-law, be held and taken to be owner thereof until the contrary be shown.

No driver to ride on vehicle without a person to guide his beast (vehicle with reins excepted), or to go a distance from his vehicle, or drive on wrong side, &c.

11. If the driver of any cart, waggon, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided with reins only excepted); or if the driver of any carriage or vehicle whatsoever shall wilfully be at such distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare that he cannot have the direction or government of the horse or horses, or cattle, drawing the same; or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle shall not drive on the left or near side of such road, street, or thoroughfare; 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 road, street, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person or vehicle or carriage in or upon the same: every such driver or person so offending shall forfeit and pay for every such offence the sum not exceeding two pounds.

Name and place of abode, &c.

12. The owner of every such waggon, cart, dray, or vehicle of any kind plying for hire, who shall allow the same to be driven through the said Borough of Kempsey without having his name and place of abode painted on the off side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid, who shall refuse to give his and the owner's name and address shall forfeit and pay for every such offence the sum not exceeding two pounds.

Lights on vehicles.

13. Every person whilst driving, leading, or riding upon any cart, carriage, van, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal, through any part of the Borough between the hours of sunset and sunrise shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, van, waggon, buggy, or other vehicle, under a penalty of five shillings for the first offence, and for every subsequent offence not less than ten shillings nor more than two pounds.

As to riding or driving improperly through streets, &c.

14. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Riding or driving round corners, &c.

15. Any person who shall ride or drive round the corner of any street, road, or public place within the said Borough at a pace faster than a walk, shall on conviction forfeit and pay a sum not exceeding two pounds nor less than five shillings for every such offence.

Erection of houses, &c.—Fee for permission.

16. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Borough, without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall at the time the said notice is given as aforesaid pay to the Council Clerk a fee of five shillings for permission to erect any such house, shop, or building in any street, lane, or other place within the said Borough; and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build, or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Affixing placards on walls and chalking thereon.

17. It shall not be lawful for any person to paste, affix, damage, deface, or destroy any placard or other paper upon any wall, fence, house, or building, or to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof; and any person who shall be guilty of any such offence shall forfeit and pay the sum not exceeding ten shillings. It shall not be lawful for any person (other than the person affixing the same or the owner of the premises to which such may be affixed) to wantonly deface or destroy any placard not out of date which may have been lawfully affixed to any such wall, fence, or house; and any person guilty of such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about the streets.

18. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situated and being in or within forty yards of any street or public place in the Borough, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or under his charge to stray or to go about, or to be tethered or depastured in any street, road, or other public place within the Borough, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Restrictions on certain trades, &c.

19. It shall not be lawful for the business of soap boiler, tallow melter, tanner, currier, pig keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to any of the inhabitants thereof, to be commenced or established within the limits of that portion of the Borough, to be defined from time to time by resolution of this Council, without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay on conviction a penalty not exceeding twenty pounds nor less than five pounds, and a further sum of one pound for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

20. Any person who shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of five

in the morning and eleven o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and watertight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth in, or upon, or near to any of the streets, roads, public places, or footways of the Borough, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter, nearer to any street, road, or dwelling-house, than shall from time to time be directed by the Council, or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, than forty yards, shall upon conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Inspection of premises, yards, &c., to be kept clean.

21. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbourhood, or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose. An owner or occupier of any house or place within the said Borough who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance by offensive smell, after receiving such notice shall forfeit and pay a sum not exceeding two pounds.

Discharging firearms, &c.

22. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter within forty yards of any road, street, or public place, shall forfeit and pay a sum not exceeding five pounds.

Entrance to cellars, &c., to be covered, &c.

23. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar flap belonging to or connected with his premises, save and except only during reasonable time for use, alteration, or repairs; or if such owner or occupier shall not repair and from time to time keep in good and substantial repair all and every or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall, for every such offence, forfeit and pay the sum not exceeding five pounds.

Cellars or openings beneath footways prohibited.

24. It shall not be lawful for any person to make any cellar, or any opening, door, or window, on or beneath the surface of the footway of any road, street, or public place, within the said Borough, except by the permission of the Council; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

25. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof, and any public place, road, street, or footway within the limits of the said Borough, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction, such persons shall forfeit and pay a sum not

exceeding ten shillings every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavement.

26. Any person who shall stamp, stain, paint, write or post any advertisement or notice upon any footway or kerbstone within the Borough of Kempsey shall be liable to a penalty not exceeding two pounds.

Offensive or indecent placards.

27. Any person who shall, in any street or public place within the Borough of Kempsey, post, write, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character shall be liable to a penalty not exceeding ten pounds.

Musicians to move on.

28. Any street musician or vocalist who shall not, when requested by any householder within the Borough of Kempsey, or his servant, or by any officer or servant of the Council of the Borough aforesaid, or by any Police officer, depart from the neighbourhood of the premises of such householder, shall be liable to a penalty not exceeding two pounds.

Persons not to stand or loiter in streets.

29. All persons standing or loitering upon any of the carriage-ways, footways, or other public places in the Borough of Kempsey, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Borough, or by any Police officer, shall be liable to a penalty not exceeding two pounds.

Holes made for cellars, &c., to be enclosed, &c.

30. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place for the purpose of making any cellar or cellars, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up, or cause to be kept up and continued, any such enclosure, or shall not, when thereunto required by the said Council or officer thereof, well and sufficiently fence or enclose any such hole within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, then and in every such case the person so offending shall forfeit and pay for every such offence, and for every refusal or neglect, any sum not exceeding five pounds, and on conviction for every subsequent offence not less than ten shillings.

Excavations, &c., to be protected by fence or wall.

31. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or near to any public road or footpath within the limits of this Borough, until the owner or occupier of the said property shall have erected a good substantial fence or wall, at the least 4 feet high, around such parts of the said property as adjoin such public road or footpath; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made shall forfeit and pay for every such offence a sum not exceeding five pounds. And all existing quarries, excavations, or precipices situated within the limits of this Borough shall be closed and protected in the manner aforesaid, within twenty-four hours after due notice to that effect shall have been given by the said Council; and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same, after notice as aforesaid, such persons so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

32. Every person who, in any street or other public place or passage within the said Borough, shall commit any of the following offences shall, on conviction for any and for every such offence, forfeit and pay a penalty of not more than two pounds:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase, or any part of the carcase, of any slaughtered animal without sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or being repaired).

Every blacksmith, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any footway to the annoyance of any person.

Every person who shall be a keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or other place within the said Borough.

Polluting water, reservoirs, &c.

33. Whoever shall bathe in any reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, or throw, or cause to enter therein any animal (whether alive or dead), or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit, or suffer to run, or to be brought therein the water of any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper liquid, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence, not more than ten pounds; and for a third and every subsequent offence, a sum not more than twenty pounds.

34. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Borough, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay; and the owner or owners thereof, or the owner or occupiers of the premises in default, and conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of said nuisances.

SECTION V.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

1. No person shall carry on any nuisance or offensive trade within the said Borough so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of "Noisome and Offensive Trades."

2. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Borough, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint.—Inquire and Report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder and to his or her family, the Inspector of Nuisances or any other person or persons appointed by the Council shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted or carried on as aforesaid is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Borough. And if such trade shall not be discontinued or shall not be so conducted as that it shall wholly cease to be noisome or offensive within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence a sum not exceeding fifty pounds nor less than ten pounds.

Mode of proceeding when a "Noisome or offensive trade" is about to be commenced.—Penalty.

4. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same; and the Council shall take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws, to any resident within the Borough. And any person who shall in any such case, commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not exceeding fifty pounds.

Service of notice—Liabilities.

5. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced, or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation, within the meaning and for all the purposes of these By-laws.

SECTION VI.

Severage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels or to any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding ten pounds, and shall, at his own expenses, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as

the Council shall appoint to superintend such work; and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid, shall on conviction thereof forfeit and pay a sum not exceeding ten pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council or officer thereof, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay any sum not exceeding five pounds.

Water from roof, &c.

3. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain-water to fall from any roof, balcony, or other projection upon any street, road, lane, or footway, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rain water to be discharged by any pipe upon any such street, road, lane, or footway shall, if such nuisance be not abated within seven days after notice to abate shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds.

Drains and footpaths.

4. No surface drain shall be made in any footway, nor any pipes laid under or across the same, without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever, and any person who shall so offend shall forfeit and pay a sum not exceeding ten pounds.

Drains for discharge of surface water from land.

5. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged to overflow any road, lane, or footway shall, within seven days next after the service of notice by the Council, abate such nuisance where possible; and in default of compliance with any such notice within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if, within seven days after such conviction, such owner or occupier shall still have failed to comply with such notice or be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than two pounds nor more than twenty pounds. And every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future conviction, shall be guilty of a further offence within the meaning of this clause.

Natural water-courses.

6. Any person who may have closed or shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

7. That the owners of houses or agents thereof who have laid pipes to convey slops, suds, refuse, or dirty water of any kind whatsoever into the street, water channel, water-course, water-hole, river, creek, or canal shall conduct a cesspit and charcoal filter of a design hereinafter mentioned to each house; such cesspit to be made according to plan and specification, to be seen at the Council Chambers; the said cesspit and filter to be constructed to the satisfaction of the Public Works Committee or other duly authorized officer. And any owner of such house or his agent who shall refuse or neglect to construct such cesspit and charcoal filter within seven days after receiving a written notice, signed by the Mayor or Council Clerk, or other duly authorized officer, shall forfeit any sum not exceeding five pounds nor less than two pounds. Should any owner of such house or his agent refuse or neglect to cleanse such cesspit and charcoal filter after twenty-four hours' notice from a duly authorized officer, he shall forfeit any sum not exceeding two pounds nor less than ten shillings.

Preventing and extinguishing fires.

Fires or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds nor less than one pound, and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every such person who shall suffer any such fire, gunpowder, or other combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

I flammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, and place as or for the covering of any such stack any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material in any building so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds nor less than one pound, and also remove such fence, stack, covering, or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence, stack, covering, or inflammable material within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Burning shavings &c., in the street.

3. Any person burning any shavings or other matters or things in any street, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Wilfully setting fire to chimneys.

4. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

SECTION VIII.

Planting Trees.

1. The Council shall, by resolution, annually place upon the estimates a sum of money to be expended in the planting and preserving trees and shrubs in the public streets and recreation grounds within the Borough, and from time to time determine what streets or recreation grounds shall be so planted.

2. The Council shall cause trees or shrubs to be planted in any street or recreation ground in accordance with these By-laws in the following manner, that is to say:—Where the streets are over one and a half chains wide, at a distance of eighteen feet from the kerbing, and at a distance of thirty feet apart; where the streets are one chain or less wide, at a distance of fifteen feet from the kerbing, and at a distance of thirty feet apart; and upon recreation grounds, in accordance with a plan to be approved of by resolution of the Council.

3. The trees to be planted in the public streets shall consist of such as may be authorized by resolution of the Council, and such other trees in addition as the Council may determine.

SECTION IX.

Ferries.

1. The Council shall, by resolution, establish such ferries as may be required for the public convenience, and lease the same for a period not less than one year nor more than five years.

2. All leases shall be sold by public auction or by tender, as the Council may determine. Such sales shall be advertised in some paper published in the Borough, and given not less than fourteen days' notice. The upset price of each ferry to be fixed by the resolution of the Council.

3. The purchaser shall, at the time of sale, if by auction or notification of acceptance by tender, pay to the Council one-fourth of the monthly rent, and provide, within seven days, two sureties who are willing to enter with him into a bond to the amount of one hundred pounds; such sureties to be approved by the Council. All expenses connected with the bond and lease to be paid by the lessee.

4. The lessee shall pay, at intervals of one month, one-twelfth of the annual rent in advance, upon such days as may be fixed in the lease, to such person as the Council may appoint to collect the same. In default of payment, the lease will become void and forfeited.

5. The lessee must either himself, or by his servants, ply the punt and boat at all hours, and without unnecessary delay for the convenience and accommodation of the public.

6. The lessee shall, immediately on taking possession, put up in some conspicuous place at or near the ferry, a board with a table printed in distinct and legible letters, containing at the top the name of the ferry, and a list of all tolls and dues payable thereat (as hereinafter provided in the Schedule hereto) and the name of the lessee.

7. No tolls or dues shall be demanded or taken in addition to those provided in the Schedule annexed to these By-laws, and no tolls or dues shall be demanded in respect of any horses or carriages, or in respect of any person attending a funeral, or from any Minister of religion in the exercise of his duty, or from any person going to or from a place of worship, or policemen on duty, or from any member or officer of the Council while upon the business of the Council.

8. Any person who shall be guilty of a breach of these By-laws shall be deemed guilty of an offence, and shall be liable to a fine not exceeding five pounds, to be recovered before any two Justices of the Peace in Court of Petty Sessions assembled.

9. Schedule of Tolls.

	s.	d.
For every foot passenger	0	2
For every child attending school	Free.	
For every horse, mare, gelding, ass, or mule, drawing or not drawing	0	6
For every dray or cart with two wheels only	0	6
For every waggon, carriage, or other vehicle with four wheels	1	0
For every ox or head of neat cattle, drawing or not drawing, not exceeding ten	0	6
For every additional head over ten	0	4
For every sheep, lamb, pig, or goat, not exceeding ten	0	1
Goods per hundred weight or part of a hundred weight	0	3

The above tolls to be doubled from eleven p.m. to 5 a.m. A single fare to cover double journey during same day from 5 a.m. to 11 p.m.

SECTION X.

Public Wharves.

1. The Kempsey public wharves shall be appropriated to the landing and embarking of passengers, the loading and unloading of farm of produce, general merchandise, building materials, or any produce whatever.

2. The Council may appoint wharfingers, or let by tender, or sell by public auction, the tolls and dues arising from the wharves.

3. The wharfinger or lessees shall find two sureties in the amount of twenty-pounds for the faithful performance of their duties.

4. The wharfinger or lessee shall preserve order and regularity upon the said wharves, and may remove therefrom any person making a riot or disturbance, or guilty of cursing or swearing or using indecent language, offending against common decency, being drunk, or in any way misconducting himself or herself thereon.

5. The wharfingers or lessees shall be entitled to demand and receive the tolls and dues set out in the Schedule hereto annexed from all parties using the wharves.

6. No dray, cart, or vehicle shall be allowed to remain on the wharves longer than the time actually required for loading or unloading the same.

7. No goods, merchandise, produce, live stock, lime, timber, stone, or other building material shall be allowed to remain on the wharves more than twenty-four hours from the time when the same may have been landed thereon.

8. It shall be compulsory on all parties loading or discharging cargo at the wharves to keep and leave a space of six feet clear as passages to the landing stages.

9. No vessel or boat shall be allowed to be made fast to the wharves or occupy the berth but for the purpose of loading or unloading.

10. The vessel or boat first arriving shall be entitled to precedence in the use of the wharves, and shall be loaded and unloaded, after which such vessel shall haul off from the wharves.

11. The master of every vessel shall, when demanded before or after unloading any cargo, give to the wharfinger or lessee particulars in writing, signed by himself, of such cargo with the name of the consignee; and if the same shall not be removed within the time limited by these By-laws, the wharfinger or lessee shall have power to remove or, if he think fit, to store the same at the expense or risk of consignee; and further, if such goods be not claimed and removed, and all charges and expenses accrued in respect thereof paid within thirty days from their landing, shall dispose of the same by public auction and dispose of the proceeds first in payment of all charges and expenses, and shall pay the balance, if any, to the consignee.

12. The Borough Council wharfinger or lessee, shall not be liable to any consignor, consignee, owner or master of vessel, or any other person landing or shipping goods, for any loss or damage to any goods placed upon the wharf, or in respect to any loss or damage occasioned by the removal or sale thereof, under the preceding section of these By-laws.

13. In discharging coal, sand, ballast, or gravel, it shall be compulsory on the masters of vessels to comply with the ordinary harbour regulation in respect to such discharging.

SCHEDULE A.

14. Tolls and dues payable at the Kempsey public wharves by vessels taking up berths, shall pay as follows:—

	s.	d.
One hundred tons register or under	5	0
For every additional hundred tons or part of tons	5	0
Vessels not occupying a berth for more than one hour	2	0
For every vessel loading or embarking passengers at the wharf, for every hour or part of half-hour	1	0
For droghers, half the above rates to be charged.		

SCHEDULE B.

15. Time allowed to discharge or load at public wharf, from taking up the berth :—

For vessels not exceeding one hundred tons register, 24 hours.

For vessels over one hundred tons, 48 hours.

Sundays not to be included.

SECTION XI.

Free Library

1. The Library shall be known as the "Kempsey Free Library," it shall be under the control of the Borough Council, and shall be managed subject to these By-laws or any other By-laws that may hereafter be duly passed by the said Council, and shall be in a room set apart for that purpose. The Library shall be open to the public daily from 7 o'clock p.m. to 9 o'clock p.m., Sundays, Christmas Days, and Good Fridays excepted.

2. Every person using the Free Library, whether for the purpose of inspection or of ordinary study, shall immediately write his or her name in a book to be called the "Visitors Book," and which it shall be the duty of the Librarian to have constantly placed for that purpose, and no person shall be allowed to use or inspect the Library, without having first complied with this By-law.

3. Any person who shall enter the said Library in a state of intoxication, or who shall use improper language, or indulge in improper behaviour therein, or who, by loud talking or unseemly conduct of any kind, shall disturb or annoy those using the said Library shall be liable to be forcibly ejected therefrom; and it shall be the duty of the Librarian or any member of the Committee of Management who may be cognizant of such conduct so to eject the offender forthwith or to deliver him into the custody of a Police officer to be taken before a Bench of Magistrates to be dealt with, and such offender shall upon conviction of such offence be liable to a penalty not exceeding ten pounds, nor less than ten shillings.

4. Any person who shall, without larcenous intent, remove or attempt to remove from the Library any book or other property whatever belonging to the Library, or in use therein, may be summarily proceeded against, and upon conviction shall be liable to a penalty not exceeding ten pounds nor less than ten shillings.

5. Any person, whether wilfully or otherwise, damaging any book, catalogue, record, chart, apparatus, model, specimen, or any other article or thing attached to or in use, or otherwise in the room used for the purposes of the Library, shall, at the discretion of the Committee, be proceeded against summarily, and upon conviction forfeit a penalty not exceeding ten pounds.

6. Any person desirous of promoting the objects for which the Free Library has been established may, with the consent of the Council, deposit with the Librarian for further use, reference, or inspection, any book or other publication, chart, apparatus, model, specimen, &c., subject always to such special rules and restriction, as such person shall dictate in writing, and thereupon it shall be the duty of the Librarian, his assistants, and the Committee to respect such dictation faithfully in all its terms and conditions, and to impress the necessity for a strict observance thereof upon all persons visiting the Library.

7. The salary of the Librarian shall be fixed and determined by the Council from time to time and the appointment and removal of the said officer shall rest wholly with such Council. In all matters of routine the Librarian shall be wholly under the direction and control of the Council.

8. The Council shall have power to appoint a Library Committee who may amend such regulations for the internal management of the Library and guidance of the Librarian as circumstances may render necessary or desirable. Such regulations to be approved by the Council and Attorney-General.

9. A copy of these By-laws and all regulations passed, or to be passed thereon, shall be constantly suspended conspicuously in the Library, for the direction and information of the public, and copies shall be provided for circulation generally.

SECTION XII.

By-laws for the regulation and licensing of public carriers, carters, water-drawers, and public vehicles, omnibuses, cars, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers or conductors of passenger-carrying vehicles.

1. No vehicle shall ply or be used for hire within Municipality of Kempsey, until and unless the same be duly licensed in the manner hereinafter described.

2. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the party requiring such license shall deliver to the Council Clerk a requisition in the form of Schedule hereunto annexed, marked with the letter A, duly

filled up and signed; and, in case of drivers or conductors, shall obtain a certificate from two respectable ratepayers to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor or such officer as may be duly appointed for that purpose, is unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle or on such other place or places, and in such manner as the Mayor or in his absence two Aldermen may direct.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereunto annexed, marked with the letter B.

5. Every license granted under these By-laws shall be under the common seal of the Municipal Council, and signed by the Mayor and countersigned by the Council Clerk, and shall be in force from the date of such license until the 31st day of December next ensuing, and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor desire, he may be permitted to substitute another for a period to be thereby specified by indorsement on the license, signed by the Mayor and countersigned as aforesaid.

6. For every such license there shall be paid to the Municipal Fund, annually the several rates set forth in the Schedule hereunto annexed, and marked with the letter C.

7. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of seven years, and no license under these By-laws shall be granted unless after seven days' notice.

8. All licenses shall be made out by the Council Clerk, and numbered consecutively.

9. The person in whose name a license shall appear to have been obtained, shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

10. The Mayor shall, as often as he may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses, and if any such vehicle, harness, horse, or horses, shall at any time be found to be unfit for use, the Mayor may cancel the license of such vehicles.

11. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney-carriage and cab in figures not less than two inches in height and of proportionate breadth, white upon a ground of black shall be painted outside, on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Mayor may direct; and such numbers shall be kept legible and undefaced during all the time such vehicles shall ply or be used for hire at the expense of the licensee.

12. The number of the license of every hackney-carriage or cab on a card or plate six inches by three, painted or printed in clear legible figures, and the table fares fixed by the Council shall be affixed at the upper part of the front panel or in such other place or places inside of such carriage or cab as the Mayor may direct, at the expense of the licensee; and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

15. Carters (plying for hire) of water-carts, drays, carts or vans are to be registered at the Council Chambers, and receive a license upon payment of the rate set forth in Schedule C, hereunto annexed.

16. The name, place of abode, number of license, and the words "licensed cart," dray, or van, as the case may be, are to be painted in letters one inch long upon the right or off side of such cart, dray, or van, at the expense of the licensee.

17. Wherever the word vehicle shall be used in these By-laws, the same shall be understood to apply to either an omnibus, a car, hackney-carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels, drawn by two or more horses; and a car a vehicle upon two wheels for which an omnibus license has been taken out; and a hackney-carriage shall mean a vehicle upon four wheels, drawn by two or more horses; and a cab, a vehicle upon four wheels for which a hackney-carriage license has been taken out; and the word "carters" shall be understood to apply to carts, drays, or vans plying for hire.

18. For every offence against the provisions of these By-laws, the offender shall be liable to and pay a penalty of not more than ten pounds nor less than ten shillings.

19. All penalties recovered under any of these By-laws shall be paid to the Municipal Council, to be appropriated towards the general revenue of the Municipality.

SCHEDULE A.

A requisition for a License.

1. To the Municipal Council of Kempsey.

I, _____ residing at _____ street, within the Municipality of Kempsey, do hereby request that a license may be granted to me by _____ within the limits of the said Municipality.
Dated at Kempsey, this _____ day of _____, 18 .

SCHEDULE B.

Form of license.

This is to certify that _____ of _____ street, Kempsey, is hereby licensed to _____ from the _____ day of _____ to the 31st day of December, 18 _____, inclusive within the Municipality of Kempsey, subject nevertheless to all and every the By-laws and regulations in force relating thereto.

Given under my Hand and the Common Seal of the Municipal Council of Kempsey, in the Colony of New South Wales, this _____ day of _____, 188 .

(L.S.)

Mayor.

Council Clerk.

SCHEDULE C.

A Table of Rates to be paid by the proprietors and drivers of licensed vehicles.

	On and after the first of January.	On and after the first of April.	On and after the first of July.	On and after the first of October.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For every omnibus, car, hackney carriage, or cab.	2 0 0	1 10 0	1 0 0	0 10 0
For every water-cart, dray, cart, or van.	1 0 0	0 15 0	0 10 0	0 5 0

For every driver's or conductor's license for passenger-carrying vehicles for every year or part of a year, 5 shillings.

SCHEDULE D.

Rate and Fares to be paid for any hackney carriage or other passenger-carrying vehicle, not an omnibus, plying within the Municipality of Kempsey; if drawn by one or more horses at the rate of one shilling per mile or for any part of a mile.

Made and passed by the Municipal Council of the Borough of Kempsey, this 28th December, in the year of our Lord 1886.

(L.S.)

P. C. HILL,
Mayor.

H. P. MACKLIN,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF LISMORE.—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 6th January, 1888.

MUNICIPAL DISTRICT OF LISMORE.—ADDITIONAL BY-LAW.

THE following additional By-law, made by the Council of the Municipal District of Lismore, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF LISMORE.

THE following By-law has been made and passed by the Council of the Municipal District of Lismore, at meeting held on the 26th day of September, 1887, viz. :—

No person or persons shall drive or cause to be driven any horse or horses, cattle, or other animals, through or upon any public street or place within the town boundary of the Municipality of Lismore between the hours of 7 (seven) o'clock a.m. and 8 (eight) o'clock p.m., except as hereinafter provided; and any person or persons found driving, or who shall cause to be driven, any such animals as aforesaid, shall forfeit and pay a penalty not less than forty shillings nor exceeding five pounds: Provided always that this By-law does not apply to horses or cattle driven in or attached to any vehicle under the control of any owner or driver thereof, or to any animal or animals led or controlled by a halter or halters, bridle or bridles, or other secure fastenings, when under the control of any person or persons then in charge of the same, or to milking cows or working bullocks belonging to ratepayers of the Municipality.

Made and passed by the Council of the Municipal District of Lismore, this 26th day of September, 1887.

ST. HELIER PEARD,
Council Clerk.

(L.S.) LUDWIK BERNSTEIN,
Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF MARRICKVILLE—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 2nd November, 1887.**BOROUGH OF MARRICKVILLE.—ADDITIONAL BY-LAWS.**

THE following additional By-laws, made by the Council of the Borough of Marrickville, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

Lights on Vehicles.

EVERY person whilst driving, leading, or riding upon any cart, carriage, wain, waggon, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal, through any part of the Municipality, between the hours of sunset and sunrise, shall carry a lighted lamp, affixed in a conspicuous place on the off side of such cart, carriage, wain, waggon, buggy, or other vehicle, under a penalty of five shillings for the first offence, and for every subsequent offence not less than ten shillings nor exceeding two pounds.

Persons not to stand or loiter in Streets.

All persons standing or loitering upon any of the streets or footways, or other public places within the Borough, to the inconvenience of the passers-by, or in any way interrupting the traffic, shall discontinue to do so on being required by any officer or servant of the Borough, or by any police officer. Any person offending against this By-law shall for each offence upon conviction forfeit and pay a penalty or sum not exceeding two pounds nor less than five shillings.

Adopted by the Council, on Monday Evening, the first day of August, 1887.

(L.S.) JOS. GRAHAM,
Mayor.GEORGE E. GILL,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF MUDGEES—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 30th May, 1888.**MUDGEES MUNICIPALITY.—ADDITIONAL BY-LAW.**

THE following additional By-law, made by the Council of the Borough of Mudgees, under the "Municipalities Act of 1867," relating to interments, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

No body shall be interred in any existing Cemetery in the Borough now open, or which may at any time hereafter be open, for burials, within the distance of one hundred yards from any dwelling-house, public pathway, street, or road within the said Borough, except in a vault now in existence.

Any person or persons having the charge of any Cemetery, or other person or persons, who shall knowingly inter, or cause to be interred, any body within the Borough contrary to the provisions of the above By-law, or otherwise commit a breach thereof, shall for every offence be liable to a penalty not exceeding fifty pounds or less than five pounds. The above By-law not to come into operation until 1st March, 1888.

(L.S.) D. CASSIN,
Mayor.

Dated at Mudgees, this 11th day of February, 1888.

THOMAS J. LOVEJOY, Council Clerk.

1887.

(THIRD SESSION.)

 NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NARANDERA—AMENDED BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 21st November, 1887.

BOROUGH OF NARANDERA.—AMENDED BY-LAW.

THE following Amended By-law, made by the Council of the Borough of Narandera under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

At an Ordinary Meeting of the Council held on Wednesday, the 15th June, 1887, due notice having been given, it was resolved that By-law No. 1 of Part 1 be amended by striking out the word Wednesday and substituting the word Monday in lieu thereof.

AMENDED BY-LAW No. 1.

The Council shall meet for the despatch of business at the hour of 7.30 p.m. every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor or the Council may appoint.

Council Chambers, Narandera,
30th June, 1887.

(L.S.) JNO. ARMSTRONG,
Mayor.

1887-8.

 NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NARRANDERA—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 19th April, 1888.

NARRANDERA MUNICIPALITY.—ADDITIONAL BY-LAW.

THE following additional By-Law, made by the Council of the Borough of Narrandera, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW passed by the Narrandera Borough Council, at a meeting held on Monday, the 6th of
February, 1888.

ANY owner or ratepayer within the Municipality whose property abuts on any street or road, being desirous of having the footpath on such street or road kerbed, shall give seven days' notice, at least, of his application before any ordinary fortnightly meeting of the Council, to the Council Clerk; and the Council shall, if they think fit, cause such kerbing to be completed, upon the applicant entering into a bond or undertaking to pay half the expense of the kerbing so applied for, but on no other consideration whatsoever.

(L.S.) JNO. ARMSTRONG,
Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NEWCASTLE—ADDITIONAL BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 17th September, 1887.**BOROUGH OF NEWCASTLE.—ADDITIONAL BY-LAW.**

THE following additional By-law, made by the Council of the Borough of Newcastle, under the "Municipalities Act of 1867," for the numbering of houses and the naming of streets of that Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of Newcastle for the purpose of carrying into effect the provisions of the
"Municipalities Act of 1867."

Numbering of Houses and Naming of Streets.

1. It shall be lawful for the Mayor for the time being of the Municipality from time to time to cause the houses and buildings in the streets of the Municipality to be numbered, and to cause to be affixed or painted in a conspicuous part of some house, building, or tenement, at or near each end and corner or entrance to every such street, the name by which such street is known; and no person or persons shall destroy, pull down, or deface any such number or name, either upon such house, building, tenement, or street, as the case may be, nor shall put up, continue, or retain any number or name different from the number or name so caused to be put up as aforesaid, or similar to any number or name attached to another house or street. Any person or persons offending against this provision shall forfeit and pay, on conviction, a sum not exceeding two pounds nor less than ten shillings.

Made and passed by the Council of the Borough of Newcastle, this fourth day of July, in the year of our Lord one thousand eight hundred and eighty-seven.

EDWARD S. HOLLAND,
Town Clerk.(L.S.) GEORGE W. WEBB,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NEWCASTLE—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 16th January, 1888.

NEWCASTLE MUNICIPALITY.—ADDITIONAL BY-LAWS.

THE following additional By-laws, made by the Council of the Borough of Newcastle under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAWS for the regulation and management of the Corporation Baths, Newcomen-street.

1. That the baths shall be known as and styled "The City of Newcastle Corporation Baths."
2. That the said baths shall be open for the use of the public during the following hours, in the months of October, November, December, January, February, and March, on week days, from 5 o'clock a.m. to 11 o'clock p.m., and for the remaining months of the year the baths shall be open daily from 6 o'clock a.m., and close at 10 o'clock p.m., excepting on Sundays throughout the year, when the baths shall be open from 5 o'clock a.m. to 10 o'clock a.m., and from 3 o'clock p.m. to half past 5 o'clock p.m.
3. That the baths and dressing-rooms shall be open for the use of gentlemen from the hour of opening till 11 o'clock a.m., and from 5 o'clock p.m. till 11 o'clock p.m., and none but gentlemen shall be admitted during those hours.
4. That the baths and dressing-rooms shall be open for the use of ladies, from half past 11 o'clock a.m. till 5 o'clock p.m., and none but ladies shall be admitted during those hours.
5. That no person under the influence of intoxicating liquors nor any person of known disreputable character, be permitted to use the baths, and the caretaker shall refuse admittance to such.
6. That no person shall create or place filth or commit a nuisance of any kind within the precincts of the baths, nor deface the walls of the dressing-rooms or woodwork of the baths, by writing or drawing thereon.
7. That no person shall smoke within the baths.
8. That every person who may visit the baths, shall, whilst within the premises, conduct himself or herself in a decent, orderly, and proper manner.
9. That any person wilfully damaging the bath premises and appurtenances thereto shall be liable to prosecution, and will be charged with the costs of repairs.
10. That no person shall use any of the warm baths for a greater period than half an hour at one time, nor shall the swimming bath be occupied more than an hour at any one time.
11. That all dogs found within the precincts of the baths shall be removed, or the owners thereof summoned for a breach of this By-law.

12. That the Council shall have power from time to time to regulate the fees to be paid for the various classes of baths, and to give such instruction as it may consider necessary for the proper internal management of the baths, and may set apart any portion or the whole of the baths for the use of ladies or gentlemen on special days or occasions.

13. That any person offending against any of the provisions of these By-laws shall be liable on conviction to forfeit and pay a penalty for every such offence a sum not exceeding five pounds nor less than five shillings.

Schedule of prices for Corporation Baths, Newcomen-street.

	s.	d.
For use of public swimming bath and shower.		
For each person under 14 years of age, with towel	0	2
For each person of 14 years and upwards, with towel ...	0	3
For use of private shower baths.		
For each person under 14 years of age, with towel.....	0	3
For each person over 14 years of age, with towel	0	6
For use of hot water baths.		
For each person under 14 years of age, with towel	0	6
For each person over 14 years of age, with towel	1	0

Monthly Tickets.

For public swimming and shower bath,		
Single monthly tickets, with towel, for girls and youths (not transferable)	3	0
Single monthly tickets, with towel, for ladies and gentlemen (not transferable)	6	0
Hot water baths for girls and youths, monthly (not transferable)	10	0
Hot water baths for ladies and gentlemen, monthly (not transferable)	20	0

Made and passed by the Council of the Borough of Newcastle, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

(L.S.) GEORGE W. WEBB,
Mayor.
EDWARD S. HOLLAND,
Town Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NEWCASTLE—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 9th February, 1888.**NEWCASTLE MUNICIPALITY.—AMENDED BY-LAWS.**

THE following amended By-laws, made by the Council of the Borough of Newcastle under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

AMENDED BY-LAWS for the Borough of Newcastle, for the purpose of carrying into effect the provisions of the "Municipalities Act of 1867."

THAT By-law 3 of the 5th day of July, 1886, in Supplementary *Gazette* No. 145, dated 12th day of March, 1886, be repealed, and the following By-law substituted:—

DRIVING ANIMALS, &C.

1. No person or persons shall drive or cause to be driven any horse or horses, cattle, or other animals through or upon any public street or place within the Municipality of Newcastle, between the hours of six o'clock a.m. and eleven o'clock p.m., except as hereinafter provided, save and except milch cows, which shall not be driven between the hours of nine o'clock a.m. and five o'clock p.m. And any person or persons found driving, or who shall cause to be driven, any such animals as aforesaid, shall forfeit and pay a penalty of not less than forty shillings nor exceeding five pounds: Provided always that this By-law does not apply to horses or cattle driven in or attached to any vehicle under the control of any owner or driver thereof, or to any animal or animals led or controlled by a halter or halters, bridle or bridles, or other secure fastenings when under the control of any person or persons then in charge of the same.

Amended and passed by the Council of the Borough of Newcastle, this seventh day of November, in the year of our Lord one thousand eight hundred and eighty-seven.

EDWARD S. HOLLAND,
Town Clerk.

(L.S.)

GEORGE WM. WEBB,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF NORTH ILLAWARRA—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 3rd April, 1888.**NORTH ILLAWARRA MUNICIPALITY.—AMENDED BY-LAW.**

THE following amended By-law, made by the Council of the Municipal District of North Illawarra, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

NORTH ILLAWARRA MUNICIPAL DISTRICT.

BY-LAW made and passed by the Council of the Municipal District of North Illawarra, for altering the time for holding the meetings of the Council.

The existing By-law published in a Supplement to the *Government Gazette* of date 2nd June, 1886, is hereby repealed, and the following By-law substituted in lieu thereof, viz. :—"The Council shall meet for the despatch of business on the first Wednesday in every month, at 7 o'clock p.m., unless such day shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Mayor may appoint."

Passed by the Municipal District Council of North Illawarra, this 30th day of November, in the year of our Lord one thousand eight hundred and eighty-seven.

HENRY STUMBLES,
Council Clerk.(L.S.) P. LAHIFF,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NORTH WILLOUGHBY.—ADDITIONAL AND AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 3rd April, 1888.

NORTH WILLOUGHBY MUNICIPALITY.—ADDITIONAL AND AMENDED BY-LAWS.

THE following Additional and Amended By-laws, made by the Council of the Borough of North Willoughby, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF NORTH WILLOUGHBY.—ADDITIONAL BY-LAW AND AMENDED BY-LAW.

THE following By-laws were made by the Council of the Borough of North Willoughby, under the "Municipalities Act of 1867" :—

All vehicles shall be provided with suitable lamps, one to be fixed on each side, and in case of omnibuses and coaches, a third light shall be placed inside, and the same shall be lighted not later than half-an-hour after sundown, and kept burning until half-an-hour before sunrise, while the vehicles are in any of the streets or roads in this Borough; any person being guilty of a breach of this By-law shall be liable to a penalty not less than five shillings nor more than two pounds.

Amended By-law.

No gravel, turf, &c., to be removed from streets, reserves, &c, without leave.

Any persons who, from any part of the roads, streets, thoroughfares, footways, reserves, or public places, shall remove or cause to be removed any turf, sand, clay, soil, gravel, stone, or other material without leave had and obtained from the Council, or who shall wantonly break up or otherwise damage any part of the said roads, streets, thoroughfares, footways, reserves, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds nor less than one pound.

Passed at a meeting of the North Willoughby Council, held on Monday, the 19th December, 1887.

JAMES ANDERSON, Council Clerk.

(L.S.) T. T. FOESYTH, Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF PARKES—AMENDED AND ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office, Sydney, 6th September, 1887.

The following amended and additional By-laws, made by the Council of the Municipal District of Parkes, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

AMENDED AND ADDITIONAL BY-LAWS OF THE MUNICIPALITY OF PARKES.*Ordinary Meetings.*

1. Unless otherwise ordered, the Council shall meet for the despatch of business on the first and third Mondays in every month, at the hour of 8 p.m., unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on the day following.

The like.

38. No officer shall be appointed until a specification of his duties and the amount of his salary shall be approved of by the Council, nor until one week's notice at least shall have been given in one or more of the local newspapers inviting applications for such appointments; but an officer already in the employment of the Council may, by a two-third vote of the members present, be reappointed without such notice calling for applications.

Notice to Proprietors.

67. Upon complaint being lodged at the Council Chambers, or with the Mayor, that the yards, closets, or drains of any premises is or are a nuisance or offensive, and after inspection such shall be found to be the case, notice shall be given in writing to the proprietor or tenant of such premises to remove or abate such nuisance within forty-eight hours after such notice; and if, after such notice, the nuisance shall not be removed or abated, the proprietor or tenant of the said premises shall be liable to a penalty not exceeding twenty shillings nor less than ten shillings.

Erection of bark buildings.

70. All persons are prohibited from erecting buildings within the town boundary, any portion of which shall be constructed of bark, or other dangerously inflammable material; and any person or persons erecting such building shall forfeit, on conviction of every such offence, a penalty of not more than ten pounds or less than twenty shillings, and such buildings shall be immediately pulled down at the expense of those erecting

them. Provided that this By-law shall only be enforced within the now populous portion of the Municipality of Parkes, that is to say, within the following boundaries: Commencing on the west by Bogan-street, on the north by Bushman-street, on the east by Hill-street, and on the south by Robinson-street, including both frontages of each street.

86. No person shall place, expose, or offer for sale, on the pathways or streets, either for private sale or public auction, live or dead stock of any description, vehicles of any sort, goods or produce of any kind, under a penalty not exceeding five pounds nor less than twenty shillings.

Additional By-laws.

No person shall make or cause a fire to be made on their premises, in the open air, for the purpose of burning any weeds or rubbish of any kind within the town boundaries, under a penalty of not more than forty shillings and not less than ten shillings.

No person shall make or cause to be made in the open air any fire within the town boundaries, except for domestic purposes, or carrying on trade, and such fires shall not be made by any person so as to endanger their neighbours' property; and no such fire shall be made earlier than 4 o'clock in the morning, and shall be put out not later than 7 o'clock in the evening; and should any complaint be made to the Mayor or Inspector of Nuisances that any such fire is dangerous, the Mayor or Inspector shall inspect the same, and should such fire, in their opinion, be dangerous, they shall cause the same to be immediately quenched. Anyone infringing this By-law shall be liable to a penalty not exceeding forty shillings nor less than ten shillings.

Every person who allows his or her chimney-flue, smoke-vent, or stove-pipe, herein called in common "chimney," to be on fire, shall forfeit a sum not exceeding five pounds nor less than five shillings.

(L.S.) JOHN A. ROSE,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF PORT MACQUARIE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 22nd May, 1888.

MUNICIPAL DISTRICT OF PORT MACQUARIE—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Port Macquarie, under the "Municipalities Act of 1867," for regulating the proceedings of the Council, the duties of their officers and servants, for compelling residents to keep their premises clean, and generally for the proper government of the Municipality, having been confirmed by His Excellency the Governor with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES,

By-LAWS made and passed by the Municipal Council of Port Macquarie, for regulating the proceedings of the Council, the duties of their officers and servants, for compelling residents to keep their premises clean, and generally for the proper government of the Municipality, in accordance with the requirements of "Municipalities Act of 1867."

1. The Council shall meet for the dispatch of business at the hour of 3 p.m. on every alternate Tuesday, unless such day shall happen to be a public holiday: in the latter case the meeting shall be held on such other day as the Mayor may appoint.

2. If the Mayor shall be absent at the expiration of twenty minutes after the time appointed for the holding of any meeting the Aldermen present shall choose a chairman: Provided always that if the Mayor shall afterwards attend such Alderman shall leave the Chair, to be taken by the Mayor.

3. Whenever any meeting shall lapse, or be adjourned for want of a quorum, the names of the members present shall be recorded by the Council Clerk.

4. The business of each ordinary meeting shall be transacted in the following manner, viz. :—

1. Reading and confirming minutes of previous meeting or meetings.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read and dealt with.
4. Reports from Committees and minutes from the Mayor to be presented and ordered upon.
5. Questions as to matters under the jurisdiction or within the official cognizance of the Council to be put and replied to.
6. Motions on notice to be dealt with in their respective order.
7. Orders of the day, which shall comprise all business set down for the day by order of any previous meeting or necessarily arising out of the proceedings of a former meeting. The Council may, by resolution, take any particular matter out of the regular order on the business paper.

Power to suspend By-laws.

5. The Council shall have power to suspend, *pro tem.*, one or more of the By-laws: Provided that no such suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present consent.

Postponement of debate on motion.

6. Any debate or order of the day when called on may be postponed to another time to be duly specified: Provided that no discussion be allowed upon such motion for adjournment, and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate on resumption.

Notices of Motion, &c., to be numbered as received, and preserved until matter disposed of.

7. All notices of motion, &c., for consideration at general meetings, shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as received and entered on the business paper according to their number, and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of: Provided, however, that the person giving or forwarding any such notice of motion, &c., shall be at liberty to withdraw the same at any time before the making up of the business paper.

Motions to be in writing and seconded.

8. All resolutions proposed and all amendments shall be submitted in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motions not to be withdrawn.

9. No motion of which notice has been given shall be withdrawn if any Alderman object: and if any Alderman who has given notice of motion fail or decline to move it, the Mayor or any other Alderman may move the same.

Questions may be put.

10. No question shall be put to the Mayor when in Council requiring the production of papers, or which cannot be replied to without reference to books or papers, unless it twenty-four hours notice in writing shall have been given thereof to the Council Clerk.

Amendments and order of.

11. Any number of amendments may be proposed on a motion before the Council, and when more than one amendment is moved and seconded the question shall first be put on the last amendment, and then on the next to the last, and so on in the reverse order in which they are moved, except when such motion or amendment shall relate to the fixing of salaries, rates, or other matters of finance, in which case the lowest sum shall be put first, then the next to the lowest, and so on to the highest.

Motions for adjournment.

12. Any motion for adjournment shall be put immediately without discussion. If such motion be negatived, the business then under consideration or the next in order on the business-paper shall be discussed before any notice for adjournment may be moved.

Divisions.

13. Any Alderman may call for a division; in such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded, and any Alderman present when a division is called for who shall not vote (not being disabled by law for so doing) shall be liable for every such offence to a penalty of ten shillings.

Motions that would rescind.

14. No motion the effect of which, if carried, would be to rescind any resolution passed by the Council during the current Municipal year shall be entertained unless at a special meeting of the Council called for that purpose: and no such motion, if negatived by the Council at such special meeting, shall be again entertained during the same Municipal year.

Aldermen not to speak more than ten minutes.

15. No Alderman shall speak twice on any motion or amendment without the consent of the Council, except when in committee or in explanation where he shall have been misrepresented or misunderstood. The mover of every question shall have the right to reply: Provided that no Alderman shall speak upon any motion or amendment for a longer period than ten minutes.

To stand when speaking.

16. Every Alderman shall stand when speaking, unless prevented by bodily infirmity, and shall address the Chair.

Privilege of Mayor or Chairman.

17. The Mayor or Chairman shall have the same privilege as any other Alderman in making or seconding a motion, and have the right of speaking on any subject or amendment introduced. The Mayor or Chairman shall rise when so speaking, but shall be considered as still presiding.

Offensive personal statements.

18. No Alderman shall digress from the subject under discussion, nor make personal reflections on members, nor impute motives: and all personal reflections shall be considered highly disorderly, and any member so offending shall be required by the Mayor or Chairman to withdraw the expression, and to make a satisfactory apology to the Council or committee thereof.

Committee of the Council.

19. The rules of the Council shall be observed in Committee of the Whole, except the rule as to standing and that limiting the number of times of speaking. It shall be competent for any Alderman to move that any subject, matter, motion, or order of the day be considered in committee; the Council, as may thereupon be decided, may go into committee or otherwise.

Points of order.

20. No Alderman when discussing any matter shall be interrupted, unless by a call to order, when he shall sit down; the Alderman calling him to order shall then be heard, and the question of order decided before the debate or any other business is resumed.

Speaking.

21. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but no Alderman who shall have seconded any such motion or amendment without any further observation than that he had seconded the same shall be at liberty to speak on such motion or amendment.

Petitions.

22. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. All petitions shall be received only as the petitions of the persons signing the same; and no debate shall take place upon the presentation of a petition until notice shall have been given in the usual manner.

Committees.

23. Besides such special Committees as may from time to time be found necessary there shall be two standing Committees, namely, a Finance and an Improvement Committee.

Reports from Committees.

24. All reports upon standing Committees to be presented in writing and signed by the Chairman or any two members of such Committee. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction by a minute in writing.

Works and tenders.

25. Works undertaken by the Council, and estimated to cost over five pounds, to be let by tender. Estimates of the cost of all works determined upon shall be laid before the Council, on the report of the Works Committee, before the contract is entered upon for such works.

Urgent works may be ordered.

26. The Mayor, or in his absence any two Aldermen of the Works Committee, may order any sum not exceeding five pounds to be expended in repairing any public work under the control of the Council which may be suddenly damaged, and such order shall be reported at the next meeting of Council.

Payment, how made.

27. No money shall be paid by the Council until the account for the same shall have been examined by the Finance Committee and approved of by the Council.

Common Seal, &c.

28. All charters, deeds, muniments, and records of the Municipality shall be kept in the office thereof, in the custody of the Council Clerk, unless the contract shall order otherwise. All papers, deeds, contracts, and agreements requiring to be sealed with the common seal shall be witnessed by the Mayor and the Council Clerk. For the purpose of authenticating documents the common seal may be attached thereto, witnessed by the Mayor and the Council Clerk, for which a fee of five shillings shall be paid.

Rates to be paid.

29. The rates of the Municipality shall be collected half-yearly, and shall be due and payable on such days as the Council shall determine at the time of making the assessment, or on such other days as the Council may direct. All persons liable to pay rates or assessments shall pay the same to the Council Clerk, or such other officer as may be appointed for that purpose, at the Municipal Council Chambers, during office hours, on such days as may from time to time be appointed by the Council.

Council Clerk.

30. The Council Clerk shall be required to enter into an approved bond into double the amount of his salary for the faithful performance of his duties.

Bailliff.

31. The bailliff shall make all levies and distress under warrant signed by the Mayor in the form of Schedule marked A hereunto annexed, and shall be paid for every such entry and levy made under these By-laws the fees as per Schedule B annexed herewith. He shall enter into a bond for the due performance of his duties.

Distress and inventory.

32. At the time of making a distress the bailliff shall make out a written inventory in the form of the Schedule hereto annexed and marked C, which inventory shall be delivered to the occupant of the premises, or the owner of the goods so distrained, or to some person for his or her behalf resident at the place where the distress has been made,

Preventing and extinguishing fires.

Fire or combustible materials, &c.

33. Every person who shall place, or knowingly permit to be placed, in any house, yard, or workshop, outhouses, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger any buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than ten pounds; and shall forthwith remove such fire, gunpowder, or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or inflammable materials, to remain as aforesaid for a period of twelve hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Lighting bonfires.

34. Any person who shall light any bonfire, tar-barrel, or fireworks upon or within twenty yards, or shall discharge any firearms within sixty yards, of any public or private street, or any public place, shall forfeit a sum not exceeding five pounds.

Setting on fire chimney-flues.

35. Every person who shall wilfully set, or causes to be set, on fire any chimney-flue, smoke-vent, or stove pipe, shall forfeit a sum not exceeding five pounds.

Chimney catching fire by neglect.

36. If any chimney catch fire through the wilful neglect of any person occupying or using any premises in which such chimney is situated he shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be enforced if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in no wise owing to the neglect or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Water-carts, licensing of.

37. The Council shall from time to time license to ply within the Municipality such carts for the carrying and sale of water and extinguishing fires as shall on inspection be found fit for that purpose. Every such cart or vessel for the holding of water for the purposes aforesaid shall be capable of containing not less than fifty gallons, and shall have the name of the owner and the words "Licensed water-cart" painted on such cart in legible letters.

Vehicles, &c., plying for hire to be licensed.

38. All water-carters, firewood-carters, and owners of vehicles plying or carrying passengers, goods, or other materials for hire, shall be licensed by the Council, and the owners shall have their names painted in legible letters, with the word "Licensed," on some conspicuous part of such vehicles respectively. The license fee shall be at the rate of five shillings per wheel per annum. And all such licenses shall be issued for a period of twelve months, terminable on the 30th day of June in each year. And every owner who shall omit or fail to comply with the provisions of this By-law shall forfeit a sum not exceeding forty shillings, nor less than ten shillings.

Penalty for hawking or carrying water without a license.

39. Any person hawking or carrying water for sale or hire within the Municipality, otherwise than in a licensed water-cart as aforesaid, shall, upon conviction, be liable to a penalty not exceeding one pound.

Streets and public places, public health, and decency, &c.

New roads to be reported on.

40. No new public road, street, way, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or reserve shall have been examined by the Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new road to be delivered to the Council.

41. When any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, reserve, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, reserve, or other place as aforesaid.

Dedications of new roads, &c.

42. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council; and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, reserve, or other place, to public use or recreation as aforesaid, as may be considered necessary by the Committee for Works; and such instrument of dedication shall also be preserved as a record of the Council.

Committee for Works to fix street levels.

43. The Committee for Works, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public streets, roads, and ways within the Municipality, and the carriage and foot-ways thereof. And it shall be the duty of such Committee, officer, or person, to place posts at the corners of intersections of any such public roads and streets wherever the same may be considered necessary or desirable by the Council. Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council, as hereinafter directed. Whenever it may be deemed necessary to alter the level of any such public road, street, or way, as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cutting to be exhibited at the Council Chambers for seven days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection; and no objections thereto shall be the Council, unless made within twenty-one days after such notice shall have been given at a subsequent meeting of the Council.

The said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Town Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

43½. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, or any road scrapings or sweepings, in or from any part of the carriage or foot ways of any street, or any other public place within the said Municipality without leave first had and obtained for that purpose from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot way shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound. And any person who shall have or make any cellar, or any opening, door, or window, in or beneath the surface of the footway, or any street or public place within the said Municipality without the consent of the Council, shall, on conviction, forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window.

Holes to be enclosed.

44. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole adjoining or near to any street or public place within the said Municipality for the purpose of making any vault or vaults, or the foundation or foundations to any house or building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee of Works of the said Municipality, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continued existence of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining footways to be enclosed, under a penalty.

45. Every owner or occupier of any house, building, or premises, or land within the said Municipality having any entrance, area, garden, or other open space, or any vacant building lot, waterhole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, to be previously approved of by the Works Committee or any officer whose special duty it shall be to attend to such works, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosure, so as to prevent the like danger to persons passing and repassing; and on failure thereof, every such owner or occupier shall, as often as he or she shall be convicted of such offence, forfeit and pay a sum not being less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such fences or other enclosures as aforesaid, after fourteen days' notice from the Council or any duly qualified officer, shall be deemed guilty of a further offence against this By-law.

Penalty for not covering over wells.

46. Every person who shall have a well or excavation situated between his or her dwelling-house or the appurtenances thereof, and every road, street, or footway within the limits of the said Municipality shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for any such person at his or her usual or last-known place of abode, or on the said premises, shall, on conviction, forfeit and pay a sum of ten shillings, and for every day after such notice that such well shall remain so uncovered, contrary to the provisions hereinbefore made and provided, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage to traffic for repairs.

47. The Committee for Works, or any officer or person acting under the authority of such committee of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

48. Any person who shall haul or draw timber, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place, to the injury thereof, shall, upon conviction, forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Driving on footpaths, and throwing filth thereon.

49. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or footway of any street or public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any such street or public place as that any blood or filth shall run or flow upon or over or be on any or either of any such carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall, upon conviction thereof, forfeit and pay for the first offence a sum not exceeding forty shillings, nor less than five shillings; for the second offence, a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence.

Lights to be placed on vehicles.

50. Every person driving any vehicles within the Municipal District between sunset and sunrise shall carry a light on such vehicle in a conspicuous place; anyone offending against this by-law shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Destroying kerbstone, gutters, pathways, &c.

51. No driver, carter, or other person shall wilfully or negligently do or suffer or cause to be done any damage or injury to the kerbstones, gutters, or pathways of any street or roadway; and no person shall be at liberty to drive a wheeled vehicle of any kind, or ride or drive, lead any horse or horses or any animals on the pathways within the Municipal District; and every person so offending shall for such offence forfeit and pay a fine or sum not exceeding one pound nor less than five shillings in excess of any damages done.

Licensing timber-carriages.

52. No timber carriage or vehicle used for that purpose, or dray attached as a substitute for the conveyance of timber or other material, will be allowed to ply or work within or through the Municipal District unless the same be licensed. This clause only to apply to timber-carriages and other vehicles attached as aforesaid, working for hire or drawing timber to railway station or for shipment. The owners of any such timber-carriage as aforesaid shall have their names painted in legible letters with the word "licensed" on some conspicuous part of such timber-carriage respectively. The license fee shall be at the rate of ten shillings per wheel per annum, and all such licenses shall be issued for a period of three months, terminable on the last day of each quarter in each year. And every owner who shall omit or fail to comply with the provisions of this By-law shall forfeit a sum not exceeding five pounds nor less than two pounds.

53. No timber-carriage or truck will be allowed to ply or work at such time as the Council shall think the roads unfit for traffic, and the Council Clerk shall give notice to owners of such timber-carriages to the effect that they must cease work for a specified time not longer than seven days; and every owner who shall fail to comply with this By-law shall be liable to a fine not exceeding five pounds nor less than ten shillings for each offence.

Placing goods, carriages, &c., on the footways—not removing the same when required—replacing same after removal—awnings to be excepted.

54. Any person who shall set or place, or cause or permit to be set or placed, any stall, board, chopping-block, showboard (on hinge or otherwise), basketwares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel in or upon or over any carriage or foot-way in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage upon any such carriage-way, except for the

necessary time of loading and unloading such cart, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers, when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, waggon, dray, sledge, truck, or other carriage; or if any person who shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot way, any timber, stone, bricks, lime, or other material or things, for building whatsoever (unless the same shall be enclosed as herein directed), or any other matter or things whatsoever; or shall hang out or expose or shall cause or permit to be hung out or exposed, any meat or offal or other thing or matter whatsoever, from any house or other buildings or premises, or any other matter or thing, from and on the outside of the front or any other part of any house or other buildings or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or other proper officer of the Council, shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings, nor less than five shillings; for the second offence, a sum not exceeding five pounds, nor less than ten shillings; and for the third and every subsequent offence, a sum not exceeding ten pounds, nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such awning shall be at least seven feet high above the height of the footway, and that the posts be placed close to the kerbstone or outer edge of such footway, and a plan of such awning submitted to the Council prior to its erection, and approval of by said Council or any officer duly appointed for the purpose.

Riding on drays, careless driving, &c.

55. If the driver of any waggon, cart, or dray, of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse, or driver or guider 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 that he cannot have the direction and government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach or other carriage whatsoever, meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; 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 by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

SCHEDULE A.

I, Mayor of the Municipality of Port Macquarie, do hereby authorize you, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at street, for being the amount of rates due to the said Municipality to the day of for the said premises, and to proceed thereon for the recovery of the said rates according to law.

Dated this day of 188

Mayor.

SCHEDULE B.

	s.	d.
1. For making entry into or upon the premises in executing a warrant with or without inventory	2	6
2. If more than one hour in possession	2	6
3. For every day or part of a day in possession	2	6
4. Five per cent. on the net proceeds of any sale.		

SCHEDULE C.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipality of Port Macquarie, dated distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of situated at within the said Municipality, for being the amount of rates due to the said Municipality to the day of 188

Bailiff.

The foregoing By-laws were made and passed at a meeting of the Municipal Council of Port Macquarie held this 23rd day of June, 1887.

(L.S.) JAMES M'INHERNEY,
GEORGE W. EDWARDS, Mayor.
Council Clerk.

1887-8.

 NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF PROSPECT AND SHERWOOD.—BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 23rd April, 1888.

PROSPECT AND SHERWOOD MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Municipal District of Prospect and Sherwood, under the "Municipalities Act of 1867," for regulating the meetings of the Council, in substitution for No. 1 of the By-laws at present in force in that Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF PROSPECT AND SHERWOOD.

THE following By-law was passed by the Municipal Council of Prospect and Sherwood in substitution for By-law No. 1 of the By-laws at present in force in the Municipality :—

By-law No. 1.

Ordinary Meetings.

The Council shall meet for the transaction of business on every alternate Thursday, at six o'clock p.m., unless such day shall happen to be a public holiday ; in the latter case the meeting shall be held on such other day as the Mayor may appoint.

Council Chambers, 7th March, 1888.

(L.S.) HENRY T. JONES,
Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF SILVERTON—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 29th August, 1887.

MUNICIPALITY OF SILVERTON—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Silverton, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

By-LAWS made and passed by the Municipal Council of Silverton, for regulating the proceedings of the Council, the duties of officers and servants; for compelling residents to keep their premises clean; and generally for the proper government of the Municipality.

PART I.

Place and time of meeting.

1. The Council shall meet at "Tantrania Hotel," or at such other place as a majority of the Council shall from time to time appoint, for the dispatch of business, at 8 p.m. on every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor shall appoint; provided that three days notice of such alteration shall be given.

Chairman.

2. If the Mayor shall be absent at the expiration of fifteen minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a chairman: Provided always that if the Mayor shall afterwards attend, such Alderman shall leave the chair to be taken by the Mayor.

Want of quorum.

3. Whenever any meeting shall lapse, or be adjourned for want of a quorum, the names of the members present shall be recorded by the Council Clerk.

Mode of conducting business.

4. The business of each ordinary meeting shall be conducted in the following manner, viz. :—

1. Reading and confirming minutes of previous meeting or meetings.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read and dealt with.
4. Reports from Committees and minutes from the Mayor to be presented and ordered upon.
5. Questions as to matters under the jurisdiction, or within the official cognizance of the Council, to be put and replied to.

6. Motions on notice to be dealt with in their respective order.

7. Orders of the day which shall comprise all business set down for the day by order of any previous meeting, or necessarily arising out of the proceedings of a former meeting.

The Council may, by resolution, take any particular matter out of the regular order on the business paper.

Suspension of By-laws.

5. The Council shall have power to suspend *pro tem.* one or more of the By-laws: Provided that no such suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present shall consent.

Postponement of debate on motion.

6. Any debate or order of the day when called on, may be postponed to another time to be duly specified: Provided that no discussion shall be allowed upon such motion for adjournment, and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate on resumption.

Motions to be in writing.

7. All resolutions proposed and all amendments shall be submitted in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motions not to be withdrawn.

8. No motion of which notice has been given shall be withdrawn if any Alderman object; and if any Alderman who has given notice of motion fail or decline to move it, the Mayor, or any other Alderman may move the same.

Questions.

9. No questions shall be put to the Mayor when in Council, requiring the production of papers, or which cannot be replied to without reference to books or papers, unless twenty-four hours' notice in writing shall have been given thereof to the Council Clerk.

Amendments and order of.

10. When any motion of Council shall have been made and seconded, any Alderman may move an amendment thereon, and if an amendment be carried, the questions as amended thereby becomes itself the question before the Council, whereupon any further amendment upon such question may be moved. If any amendment shall be negatived, then a further amendment may be moved to the question which such first-mentioned amendment was moved, and so on, provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournments.

11. Any motion for an adjournment shall be put immediately without discussion. If such motion be negatived, the business then under consideration, or the next in order on the business paper shall be discussed before any notice for adjournment may be moved.

Divisions.

12. Any Alderman may call for a division. In such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded, and any Alderman present when a division is called for who shall not vote (not being disabled by law for so doing) shall be liable for every such offence, to a penalty of ten shillings.

Motions that would rescind.

13. No motion the effect of which, if carried, would be to rescind any resolution passed by the Council during the current municipal year, shall be entertained unless at a special meeting of the Council called for that purpose, and no such motion, if negatived by the Council at such special meeting shall be again entertained during the same municipal year.

Aldermen not to speak more than ten minutes.

14. No Alderman shall speak twice on any motion or amendment except when in committee, or in explanation where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply, provided that no Alderman shall speak upon any motion or amendment for a longer period than ten minutes without the consent of the Council.

To stand when speaking.

15. Every Alderman shall stand when speaking and shall address the Chair.

Offensive personal statements.

16. No Alderman shall make offensive personal reflections upon or impute discreditable motives to any other Alderman. Any Alderman so offending shall immediately, upon being thereto required by the Mayor or presiding Alderman, withdraw the offensive expressions and retract any such imputation of motive, and make an apology satisfactory to the Council. Any Alderman declining so to apologise and to withdraw the offensive expressions and retract any such imputation of motive shall be liable, on conviction, to a fine or penalty of not less than one pound nor more than five pounds for the first offence, and on a second conviction for a like offence he shall be liable to a fine or penalty of not less than two pounds. Any Alderman may move without notice that the offensive words be taken down, and when this has been done it shall be *prima facie* evidence of such words having been used.

Committee of Council.

17. The rules of the Council shall be observed in Committee of the Whole, except the rule as to standing, and that limiting the number of times of speaking. It shall be competent for any Alderman to move that any subject, matter, motion, or order of the day be considered in Committee, and should the Council so decide that such business be considered in Committee, the Council as may thereupon be decided, may go into Committee or otherwise.

Points of Order.

18. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order, and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereupon shall be conclusive.

Speaking.

19. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but no Alderman, who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Petitions.

20. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. All petitions shall be received only as the petitions of the persons signing the same, and no debate shall take place upon the presentation of a petition until notice has been given in the usual manner.

Committees.

21. There shall be three Standing Committees: the Finance, Improvement of Works, and By-law Committees, and each such Committee shall consist of three Aldermen, and may be called together at any time by direction of any one member of such Committee.

Reports.

22. All reports from Standing Committees to be presented in writing, and signed by the Chairman or any two members of such Committee. The Mayor shall have the right of directing the attention of the Council to any matter or subject within the jurisdiction by a minute in writing.

Work and Tenders.

23. Works undertaken by the Council and estimated to cost over five pounds, to be let by tender; estimates of the cost of all works determined upon, shall be laid before the Council by the Council Surveyor, or on report of the Works Committee, before the contract is entered into for such works.

Urgent Works.

24. The Mayor, or in his absence, any two Aldermen may order any sum not exceeding twenty pounds to be expended in repairing any public work under the control of the Council, which may suddenly be damaged, and such order shall be reported at the next meeting of the Council.

Payments—How made.

25. No money shall be paid by the Council until the account for the same shall have been examined by the Finance Committee, and approved of by the Council.

Common seal, &c.

26. All charters, deeds, muniments, and records of the Municipality shall be kept in the office thereof in the custody of the Council Clerk, unless the Council shall otherwise order. All papers, deeds, contracts, and agreements requiring to be sealed with the common seal, shall be witnessed by the Mayor and the Council Clerk. For the purpose of authenticating documents, the common seal may be attached thereto, witnessed by the Mayor and Council Clerk, for which a fee of five shillings shall be paid.

Rates to be paid.

27. The rates of the Municipality shall be collected yearly, and shall be due and payable on such days as the Council shall determine at the time of making the assessment or in such other way as the Council may direct. All persons liable to pay rates or assessments shall pay same to the Council Clerk, or such officer as may be appointed for that purpose at the Municipal Council Chambers during office hours, on such days as may from time to time be appointed by the Council.

Bailiff.

28. The bailiff shall be appointed by the Council, and shall give such surety, if required, for the faithful discharge of his duties as the Council may determine upon.

29. The bailiff shall make all levies and distress under warrant, signed by the Mayor, in the form of Schedule marked A hereunto annexed, and shall be paid for every such entry and levy made under the By-laws and fees as per Schedule B annexed herewith.

Distress and inventory.

30. At the time of making a distress, the bailiff shall make out a written inventory in the form of the Schedule hereto annexed and marked C, which inventory shall be delivered to the occupant of the premises, or the owner of the goods so distrained, or to some person for his or her behalf, resident at the place where the distress has been made.

PART II.

Streets and Public Places.

New streets to be approved of.

31. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council, until such road, street, way, park, or other place, shall have been examined by the Improvement Committee, and reported upon to the Council by such Committee.

Plans to be furnished.

32. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid.

Records to be kept.

33. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to public use or recreation as aforesaid as may be considered necessary by the Committee for Works. And such further instrument of dedication shall also be preserved as a record of the Council.

Council Surveyor to lay out streets and levels.

34. The Surveyor of the Municipality or other officer or person duly authorised by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out when and where necessary in the opinion of the Council or Improvement Committee, the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and footways thereof which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council; and it shall be the duty of such Surveyor or officer to place posts at corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place, until same shall have been submitted to and adopted by the Council as herein-after specified.

Alteration of level.

35. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Council shall cause a plan and section, showing the proposed alterations to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisements in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor, or Chairman, and countersigned by the Council Clerk.

Persons damaging roads, &c.

36. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or footway of any street or other public place within the Municipality without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or footway, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Cellars or openings.

37. Any person who shall make any cellar or any opening, door, or window in or beneath the surface or the footway of any street or public place within the said Municipality shall, on conviction, forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window.

Hoardings.

38. Any person or persons who shall dig, or make or cause to be made, or dug, any hole, or leave or cause to be left, any hole adjoining or near any street or public place within the said municipality, for the purpose of making any vault or vaults, or the foundation or foundations of any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose same, and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee of Works of the said Municipality, or shall keep up, or cause to be kept up and continued, any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Vacant lots, waterholes, &c., to be enclosed.

39. Every owner or occupier of any house, building, premises, or land within the said municipality, having any entrance, area, garden, or other open space, or any vacant building, lot, waterhole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient rails, fences, or other enclosure, so as to prevent danger to persons passing and repassing, and every such owner or occupier of any such house, building, premises, or land having steps adjoining the footway of any such street or public places shall, in a like manner, protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing, and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than ten

shillings nor more than forty shillings. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered.

40. Every person who shall have a well situated between his or her dwelling-place or the appurtenances thereof, and any road, street, or foot-way within the limits of the said municipality, or at the side of, or in any yard or place open or exposed to such road, street, or foot-way, shall cause such well to be securely and permanently covered over; and if any persons having such well as aforesaid, shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last-known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic.

41. The Committee of Works, or any officer or person acting under the authority of such Committee may, at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any other purpose; and the person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Hauling or dragging over streets.

42. Any person who shall haul or draw, or cause to be hauled and drawn, upon any part of any street or public place within the said municipality, any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing, which shall be carried principally or in any part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof; or to hang over any part of such vehicle or barrow so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Driving, &c., over foot-ways.

43. Any person who shall run, roll, drive, draw, or place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any foot-way of any street or public place in the Municipality of Silvertown, any waggon, cart, dray, velocipede, or other carriage (excepting perambulators, which may be drawn thereon) or any wheel, wheelbarrow, handcart, or truck, or any hogshead, cask, or barrel, or other article or thing, or shall lead, ride, or drive any horse, ass, mule, horned or other cattle, upon any of the foot-ways aforesaid; then, and in every such case, every person so offending shall upon conviction, forfeit and pay a sum not less than five shillings, and not more than five pounds.

Obstructing traffic.

44. Any person congregating with others in any street or foot-way within the Municipality of Silvertown, so as to obstruct the free passage and traffic through, along, or upon the same, who shall refuse or neglect to move on so as to cease from and discontinue such obstruction when requested to do so by any police constable or officer, or by an inspector or other officer of the Council, shall, on conviction, forfeit and pay a penalty of not less than five shillings nor more than two pounds.

45. Any person who shall continue to occupy with any horse or other animal, or any carriage, coach, omnibus, dray, cart, truck or other vehicle, or with goods, wares, merchandise, boxes, cases, or other articles any street or foot-way within the said Municipality, after he shall have been required by any Inspector of Nuisances, or Constable, or other officer of the Council to remove the same, or who shall replace the same after having been required to remove the same, shall forfeit and pay a sum of not less than ten shillings nor more than five pounds.

Encroachments.

46. Whenever any road, street, lane, or thoroughfare has been marked out in manner herein provided, no house, shop, fence or other structure shall be allowed, except as hereinafter mentioned to project or encroach on any part thereof, and it shall not be lawful for any person, unless for any temporary or other purpose permitted by the Council, to erect or put up any building, erection, obstruction, fence or enclosure or make any excavation or hole, on, under or near such road, street, lane or thoroughfare unless due notice of same shall have been given to the Council at least forty-eight hours before any such

building, erection, obstruction, fence or enclosure, excavation, or hole as aforesaid, shall be commenced to be erected, or put up, or made, and the assent of the Council first obtained. Any person or persons offending against this By-law shall forfeit and pay for every such offence a sum not exceeding five pounds.

Balcony and verandahs

47. It shall not be lawful for any awning, verandah, portico, coping, balcony, parapet, overhanging eaves, cornice windows, string-course, dressing, or other erection or construction of any kind to project beyond the alignment of any street, road or thoroughfare, except with the consent of the Council first obtained, under a penalty of any sum not exceeding five pounds.

Encroachments

48. The Surveyor or other officer of the Council, may at any time, on the order of the Council, give seven days' notice, in writing, directing the removal of any building, fence, sign-board, obstruction, encroachment, or erection of any kind, in and upon any reserve road, street, lane, foot way, thoroughfare, or place under the charge of the Council, and such notice shall be served either personally or at the usual or last-known place of abode of the person to whom such erection, obstruction, or encroachment belongs, or who has erected the same, or caused it to be erected, and shall state that in the event of such notice not being complied with within ten days the work will be done at the risk and expense of the person served with such notice. And in case where, after service of notice as aforesaid, the person served shall not comply therewith, it shall be lawful for the Council to direct the removal of the same under the superintendence of its officer, and the cost thereof to be recovered from the person neglecting to comply with such notice shall in addition to the cost of removal be liable to a penalty of not exceeding twenty pounds nor less than one pound, and in case of every successive offence the penalty shall not be less than five pounds.

49. The provisions, remedies, and penalties, contained in the last two By-laws shall apply in all cases of obstruction, injuries, or encroachments, by excavating under, digging, or taking away any portion of any reserve, road, fence, street, lane, foot-way, thoroughfare or place within the Municipality, or under the charge of the Council.

50. Any person injuring or defacing any public property within the Municipality shall forfeit and pay a sum of not exceeding five pounds.

Fires

51. No person shall make or permit to be made within the town boundary any fires in the open air, except in properly constructed fire-places or furnaces, under a penalty of not exceeding five pounds; and any person throwing hot ashes or live coals adjacent to any building shall be liable to a penalty not exceeding five pounds.

Sweeping Rubbish

52. Any person sweeping or throwing refuse of any kind into the gutter, path ways, road-ways, reserves, or any other place other than those set apart by the Council for that purpose, shall be liable to a penalty not exceeding two pounds.

Drains in foot paths

53. No surface drains shall be made in any foot path, nor any pipes laid under or across the same, without the authority of the Council, and no such pipe or drain shall be used for the discharge into any street or road way of any offensive liquid or matter of any kind whatsoever; and any person who shall offend against this By law, or any owner, occupier, or tenant from whose premises such, offensive matter, slops, or filth shall flow over or on to any foot way, water course or street, shall forfeit and pay any sum not exceeding ten pounds.

Natural Water-course

54. Any person who shall close or intercept, or keep closed or intercepted, any natural watercourse, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved of by the Council, and any person closing or intercepting any such water-course and failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding ten pounds, and each day that such watercourse shall be closed or intercepted shall be a new offence.

Water from roofs

55. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain water to fall down from any roof, spout, balcony, or other projection upon or over any street, road, lane, or foot way, or shall cause or permit any such roof or rain-water to be discharged by any pipe upon any street, road, lane, or foot way, shall, if such nuisance be not abated within seven days after written notice to abate the same, shall have been given by the Council or its officer, forfeit and pay for every such offence, a sum not exceeding five pounds. Provided that any tenant on such premises who shall erect any spouting or pipe in accordance with any such notice, may deduct the cost thereof from the rent of the said premises.

Planting trees

56. The Council shall have power to, or owners of property may subject to approval of Council, plant trees, shrubs, and plants in the streets and public ways of the Municipality, and any person wilfully injuring or destroying any of such trees or any railing, guard, or thing protecting the same, shall on conviction, forfeit and pay a penalty of not less than one pound, in addition to the value of the trees, railing, fence, or thing so injured.

Trees not to be damaged

57. Any person who shall wilfully and without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, whether the same be indigenous or otherwise, growing in or upon any street, road, or lands under the jurisdiction and management of the Council, shall forfeit any sum not less than one pound.

Offal, ashes, &c, in road way

58. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain any ashes, rubbish, offal, dung, soil, dead animals, blood, or other filth or annoyance, or any matter or thing, in or upon the carriage-way or foot-way of any street or other public place in the said Municipality, shall, upon conviction, forfeit and pay for the first offence, a sum not exceeding forty shillings nor less than five shillings; for second offence, a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence, a sum not exceeding ten pounds, nor less than one pound for each such offence.

Unlawful driving

59. Any person who shall ride or drive through, or upon any street or public place within the said Municipality so negligently, carelessly, or furiously, that the safety of any other person shall be endangered, shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than one pound.

Hedges, &c, to be trimmed

60. Any person refusing or neglecting to comply with any order or notice from any officer of the Council to cut back or trim any hedge, tree, plant, or shrub, projecting on to or over any foot-way or street within the Municipality, shall, upon conviction, forfeit and pay a sum of not less than five shillings, nor more than two pounds.

Crossings over foot ways

61. Crossings over foot-ways within the Municipality may be formed by permission of the Council, and subject to the approval, and as the Surveyor may direct. And any person forming a crossing over any foot-way within the Municipality without the permission or without the approval of the Council's Surveyor, or in any way contrary to the foregoing provisions, shall, upon conviction, forfeit and pay a sum not less than five shillings nor more than ten pounds.

Houses of ill fame

62. Any person acting as the proprietor or occupier or having the chief control or management of any bawdy-house, brothel, or house of ill-fame, or knowingly letting any house for the purpose of being used as a bawdy-house, brothel, or house of ill-fame, or knowingly and wilfully continuing as a tenant any person who shall keep any bawdy-house, brothel, or house of ill-fame, shall, upon conviction, forfeit and pay a fine not less than one pound nor more than ten pounds.

PART III.

Sanitary Matters

Noisome or offensive trade

63. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

64. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantity of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the Municipality, shall be considered a noisome and offensive trade within the meaning of these By-laws.

Commencing noisome or offensive trades

65. Whenever it shall appear to the Council or its officers that any manufacture, trade, or calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive, notice of same shall be served upon the owner or occupier of such premises or manufactory, and shall require the owners or agents thereof not to commence or enter upon the same, and the Council shall take such measures as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of the By-

laws, to any person resident within the limits of the said Municipality, and any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation so that the same be in any way noisome or offensive within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum of not less than five pounds.

Health of public.

66. If upon the certificate of any duly qualified medical practitioner it appears to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the Municipality, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith would tend to prevent or check infectious or contagious diseases, the said Council shall give notice in writing to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same as the case may require, and if the person to whom the notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings: Provided that each day during which such house shall, after such notice as aforesaid, remain uncleaned or unfumigated, shall be a separate offence.

Inspection of premises.

67. It shall be lawful for the Inspector of Nuisances, or for any officer appointed by the Council, at any time to visit and inspect any butchers, slaughterhouse, shambles, shops, boiling-down establishments, breweries, or places of a like nature, and to give such directions concerning the cleansing of the premises as to the said officer may seem needful; and any occupier of any such premises as aforesaid who shall refuse or neglect to comply with such directions within seven days after so being directed, shall forfeit and pay a sum not less than one pound.

Dead animals.

68. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place or property where such animal may have died, or should any animal die on any lands under the care, control, or jurisdiction of the Council, the owner of such animal shall, on notice being served upon him, remove the carcass of such animal to the manure depôt, or shall cause the same to be destroyed by burning, and should the owner of such animal not be found, the Council shall, by its servants or workmen, destroy or remove the carcass, the costs and charges thereof to be recovered from the owner in the same way as for any ordinary debt.

Pigs.

69. On and after the date of this By-law becoming law, it shall not be lawful for any person to keep any kind of pig or swine within a radius of sixty chains from the Post Office.

Slaughter-houses.

70. The Government Inspector of slaughter-houses and of cattle, and of all animals intended for slaughter, shall be the inspector of slaughter-houses situated within the Municipality, and every such inspector shall from time to time enter into and examine all cattle and other animals intended for slaughter, and shall examine the melts or spleens and lungs and carcasses of all animals slaughtered, and the owner of all animals slaughtered, intended for human food, shall keep the melts or spleens and lungs of all animals so slaughtered, for a period of six hours after the animals have been slaughtered, unless in the meantime the inspector shall have examined the same; and any such owner or occupier as aforesaid, who shall neglect or refuse to do so, shall forfeit and pay a penalty not less than forty shillings.

Slaughtering diseased cattle.

71. If the owner or occupier of any such slaughter-house shall knowingly cause, permit, or suffer any animal infected with any disease affecting the melt or spleen, or lungs, to be slaughtered in any such slaughter-house, or if after the slaughter of any animal it shall be found to be diseased, and such owner or occupier, as soon as the animal is inspected and condemned, shall not immediately thereupon cause the entire carcass to be destroyed by fire in the presence of the inspector, such owner or occupier shall for every such offence forfeit and pay any sum not exceeding twenty pounds, nor less than two pounds.

Offal, &c., to be removed.

72. The blood, offal, and filth of all such animals as may be slaughtered shall be removed to such place as may be appointed by the Council at least once in twelve hours, and any owner or occupier of any slaughter-house who shall fail, neglect, or refuse to comply with this By-law, shall for every such offence forfeit and pay a penalty of not less than twenty shillings.

Cattle to be slaughtered.

73. No cattle, except calves, under one year old, sheep, goats, and swine, shall be slaughtered within the Municipality of Silvertown, nor shall any cattle be slaughtered except at slaughter-houses licensed pursuant to the By-laws.

Construction of slaughter-houses.

74. The building to be licensed for slaughtering of cattle authorized to be slaughtered within the Municipality shall be of such area and construction as shall be approved of by the Council.

Situation of slaughter-houses.

75. The building to be licensed as aforesaid shall, where practicable, be at least fifty feet from any public way, and twenty feet at least from any building other than the buildings forming part of the same premises. The Council in granting the license shall decide as to the practicability or otherwise of such distance.

Licenses.

76. Licenses may be issued for the year, commencing first day of March in each year, at the discretion of the Council, the fee for such license not to exceed three pounds for annual license payable in advance.

77. No license to keep a slaughter-house in the Municipality shall be granted except upon the terms of these By-laws.

Inspection of slaughter-houses.

78. The Sanitary Inspector of the Municipality shall frequently inspect all licensed slaughter-houses, and cause these By-laws to be strictly observed, and shall have full power without any further authority than his appointment to his office by the Council, to enter in, examine, and inspect all licensed slaughter-houses at all hours of the day and night, and no person shall obstruct the inspector in the exercise of the powers conferred on him by this clause.

Penalties.

79. If any person shall in any respect fail to comply with these By-laws regulating the keeping of slaughter-houses he shall, on conviction, if no other penalty be inflicted by statute, forfeit and pay for the first offence not less than one pound and not exceeding five pounds, for the second offence a sum not less than two pounds and not exceeding ten pounds, and for the third offence ten pounds.

Deprivation of License.

80. If any person shall be convicted of any offence against these By-laws, the Council may deprive him of his license either absolutely or for such time as the Council shall think fit, and any person so deprived during the period of such deprivation for all the purposes of these By-laws shall be dealt with as unlicensed.

Slaughter-houses erected.

81. The Council shall have power, in respect to any private slaughter-house erected at the time of the passing of these By-laws, to dispense with such or so much of the conditions of these By-laws as may be thought advisable, but so, nevertheless, that every such slaughter-house shall be so constructed and maintained as to prevent a nuisance to the neighbourhood in which it is situated.

PART IV.

Miscellaneous.

Exposure of person.

82. Any person who shall offend against decency by the exposure of his or her person in any street or public place within the said Municipality, or in view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Refusing true name and address.

83. Every person offending against any provision of the Municipalities Act of 1867, or any provision of the By-laws made or to be made by the Council of the Municipal District of Silvertown, pursuant to the said Act, or any of them, who shall refuse on demand to give to any officer of the Council or police constable his true name and address, may be apprehended without warrant by such officer of the Council or police constable, and conveyed to the nearest police station, there to be detained until such time as he may be brought before some Justice of the Peace for the Province. Any person so refusing shall, upon conviction, forfeit and pay a sum not less than ten shillings nor more than ten pounds.

Buildings of inflammable nature.

84. It shall not be lawful for any person to erect, or permit, or cause to be erected within the Municipality, any house, shed, wurley, stable, or other building of inflammable material without first having obtained the consent of the Council, and any person who shall construct or permit or cause to be constructed any such house, shed, wurley, stable, or other building, without such permission who shall not remove the same within seven days after having received notice from the

Council Clerk so to do, shall, upon conviction, forfeit and pay a penalty of not less than five shillings, and every forty-eight hours that the house, shed, wurley, stable, or other building shall remain after such conviction, shall constitute a fresh offence.

Camels and Donkeys.

85. It shall not be lawful for any person to approach with any donkeys or asses within one mile of the Silverton Post Office, except between sunrise and sunset, and no camels shall be brought within one and a half miles of the same place, or within half a mile of any public road, except between the hours of 4 a.m. and 9 a.m., and any person who shall offend against this By-law shall forfeit and pay a penalty of not less than one pound, nor more than five pounds.

SCHEDULE A.

I, _____, Mayor of Municipality of Silverton, do hereby authorize you _____, the bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in or upon the land and premises) of _____ situate at _____ street, for _____ being amount of rates due to the said Municipality to the _____ day of _____ for the said premises, and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 18 ____ .

 Mayor.

SCHEDULE B.

s. d.

- 1. For making entry into or upon the premises, in executing a warrant with or without inventory 2 6
- 2. If more than one hour in possession 2 6
- 3. For every day or part of day in possession 2 6
- 4. Five per cent. on net proceeds of any sale.

SCHEDULE C.

Inventory.

I have this day, in virtue of the warrant under hand of Mayor of Municipality of Silverton, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____ situated at _____ within the said Municipality, for _____ being amount of rates due to the said Municipality to the day of _____ 18 ____ .

Bailiff.

The foregoing By-laws were made and passed at a meeting of the Municipal Council of Silverton, held this twenty-eighth day of March, 1887.

(L.S.) J. BUTTERWORTH, Mayor.
 A. L. TAIT, Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF ST. PETERS—ADDITIONAL BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 19th June, 1888.

ST. PETERS MUNICIPALITY.—ADDITIONAL BY-LAW.

THE following additional By-law, made by the Council of the Municipal District of St. Peters, under the "Municipalities Act of 1867," for opening up footpaths, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

ST. PETERS MUNICIPALITY.

Opening up Footpaths.

No person without lawful authority shall break up or open any footpath or carriage way in any road, street or lane under the control of the Council, for the purpose of laying gas, water, or drain pipes, or for any other purpose, without previously paying into the office of the Council a fee of two shillings and sixpence, and obtaining the written authority of the Mayor or Council Clerk to break up or open the footpath or carriage way in any road, street, or lane; and any person commencing to break up or open the footpath or carriage way in any road, street, or lane without first paying such fee and obtaining such written authority, shall be liable to a penalty of ten shillings for every day he shall commence or carry on such work as aforesaid without having paid such fee and obtained such written authority as aforesaid; and every person or corporation breaking up any footpath, road, street, or lane in the Borough shall repair and make good the same to the satisfaction of the Council's overseer, or the Council may effect such repairs at the risk and expense of the person or corporation breaking up such footpath, road, street, or lane.

By virtue of the powers and authority of the Municipalities Act of 1867 and amended Acts, the Council of the Municipal District of St. Peters passed the foregoing By-law on the 19th day of March, 1888.

ANDREW T. GIBSON, Council Clerk.

JAMES FALLICK,
Mayor.

The Corporate Seal of the Municipal District of St. Peters was affixed hereto, this the twelfth day of April, 1888, in my presence,—

(L.S.) JAMES FALLICK,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF TAREE—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 9th February, 1888.

TAREE MUNICIPALITY.—AMENDED BY-LAW.

THE following By-law, made by the Council of the Municipal District of Taree, under the "Municipalities Act of 1867," in substitution for No. 64 of the By-laws passed by the Council of that Municipality on the 12th November, 1885, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAW 64, as amended by this Council.

Earth-closets.

64. Whenever it is considered by this Council, on report from the Inspector of Nuisances, that any water-closet or cesspit within the Municipal District is offensive or injurious to public health, such water-closet or cesspit shall be converted into an earth-closet, according to plans to be provided by this Council: Provided that no person shall be permitted to cover up, or cause to be covered up, any existing closet or cesspit with earth or other material, unless and until the same shall be properly emptied. Any owner or occupier upon whose premises such water-closet or cesspit exists, who shall fail after fourteen days' notice from this Council to make the required alteration, shall upon conviction be liable to a fine not exceeding five pounds nor less than one pound.

Made and passed by the Council of the Municipal District of Taree, this twenty-sixth day of September, 1887.

(L.S.) ANDREW LAURIE,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF TENTERFIELD—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 29th May, 1888.

TENTERFIELD MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Tenterfield, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

PRELIMINARY REPEAL OF EXISTING BY-LAWS.

THAT all existing By-laws of the Council of the Municipal District of Tenterfield, published in the Government Gazette from time to time prior to the adoption of the following, be and are hereby repealed.

PART I.

Regulating their own proceedings.—Duties of officers and servants, and preserving order at Council meetings.

Meeting of the Council.

1. The Council shall hold their meetings on every alternate Monday, and such meeting shall commence at half-past seven o'clock in the evening, and the Mayor or presiding Alderman may adjourn any such meeting or any special meeting to any such other day and hour as the majority of the Council then present may determine upon.

At any monthly or special meeting questions may be considered at such meeting or any adjournment thereof without previous notice.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and shall be recorded in the Minute-book, and at the same time his decision upon any disputed point shall be final.

Questions of Order.

3. The Mayor or presiding Alderman, as the case may be, shall preserve order and prevent interruption at any meeting of the Council or of any Committee; may of his own authority call to order any member of the Council or Committee; may regulate the order and precedence in which each speaker is to address the Council when two or more rise to speak at the same time; his decision upon any disputed point of order shall be final.

4. No person whomsoever, except a member of the Council, shall, by words, sound, or otherwise howsoever, interrupt the business of the meeting of the Council or of any Committee, or at the sitting of any Court held under the Municipalities Act of 1867 for the revision of the Municipal list or roll, or

cause a disturbance thereof; any person except as aforesaid, interrupting the business of any such meeting or sitting, or causing any disturbance thereof, shall forfeit any sum not less than two pounds nor more than five pounds, to be recovered in a summary way before any two Justices of the Peace in Petty Sessions, according to the provisions of the Act 14 Victoria No. 43.

Orders of the Day.

5. At every meeting of the Council the minutes of the proceedings of the previous meeting shall be read by the Council Clerk, and, after confirmation by the vote of the majority of the Council present, shall be signed by the Mayor or presiding Alderman.

6. Then reports from Committees shall be received, but these shall not be taken into consideration or adopted unless after due notice has been given at a previous meeting, or to the Council Clerk, not less than four days before meeting.

7. After the reading of correspondence and the presentation of reports and petitions, such motions as may be in the Motion-book shall take precedence of all other business of the day, and shall be taken up in the order in which they are in the Motion-book.

8. The order of the day shall include all business of which due notice has been given, and all matters arising out of former meetings of the Council. Any motion entered on the Motion-book, and the Alderman having given notice of the same being absent and no other Alderman deputed in writing to bring forward such motion when the business is called in order, shall be struck out.

9. Any one or more of the standing orders of Council may be suspended at any meeting of the Council (for that meeting only) in case of emergency: Provided that a majority of members present consider it necessary.

Business may be dealt with out of regular order.

10. It shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section also, and in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

der of debate

11. Every member shall stand when speaking, and shall address the Mayor or presiding Alderman; and in course of a debate if any question or order shall arise it shall immediately be taken into consideration and be disposed of by the Mayor or presiding Alderman.

12. Except in Committee, no member shall speak twice on the same question; if he has been misrepresented or misunderstood, he may, if he thinks proper, briefly make such explanation as may be necessary: Provided that the mover shall be allowed to reply, and that every member shall have the liberty of speaking once on every amendment as well as on the original motion.

13. No member shall speak upon any motion or amendment for a longer period than fifteen minutes without the consent of a majority at least of the members present at the time, and he shall not digress from the matter under discussion, or make personal reflections on members, or impute improper motives.

14. If any member shall make use of any expression, or so conduct himself that his words or actions shall be taken, construed, or held by a majority of the members present to be offensive to the Council, or to any member thereof, he shall be called to order by the Mayor or presiding Alderman, and by him required to withdraw the objectionable expression and satisfactorily apologize for having used the same, or for having conducted himself in such manner as to give cause of offence. Any member neglecting or refusing to withdraw any objectionable expression, or satisfactorily apologize when called upon so to do by the Mayor or presiding Alderman, shall forfeit and pay a penalty of not less than ten shillings and not more than one pound.

15. A debate may be adjourned to a later hour of the same day or to another specified day, and the member upon whose motion any debate shall be adjourned shall be entitled to precedence on the resumption of the debate.

16. Any member may require the question or subject under discussion to be read or the substance thereof explained to him at any time during the debate, but not in such a way as to interrupt any member while speaking, or to unduly protract the proceedings.

17. The Mayor or presiding Alderman shall, on every motion made and seconded, put the question first in the affirmative and then in the negative, and then declare the result to the meeting, and if any dispute or misunderstanding shall arise as to the declared result, the Mayor or presiding Alderman shall be entitled to put the question again, and so often as may be necessary, in order to enable him to declare definitely by the show of hands whether the motion has been carried or negatived.

18. The Mayor or presiding Alderman shall have equal rights with the other members of the Council in speaking to the merits of all questions brought before the Council.

19. It shall be competent for any member to divide the Council on any question, both in full Council and in Committees of the whole Council; and upon such division those who are in the affirmative shall pass on the right hand of the Mayor or presiding Alderman, and those who are in the negative shall pass on to his left hand, and no member after dividing shall leave his place till the names of all the members shall be taken down by the Council Clerk or some person officiating for him.

20. Any Alderman who shall be present when a division is called for and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

21. Any number of amendments may be proposed on a motion before the Council, and when more than one amendment is moved and seconded, the last amendment shall be first put to the meeting, or in the reverse order in which they were moved, until the whole are disposed of, when the original motion shall be put to the meeting and the result declared by the Mayor or presiding Alderman.

22. Any motion for adjournment, if seconded, shall be immediately put without any discussion; and if negatived it shall not be competent to put a similar motion until five minutes at least shall have elapsed from the time of moving the one which has been negatived, but no notice shall be taken by the Mayor or Presiding Alderman of any motion unless it has been seconded.

Petitions.

23. No discussion shall take place on the presentation of any petition without notice of motion given after its reception.

Motions.

24. The Council Clerk shall enter in a book to be kept for that purpose, and to be called the "Motion-book," all notices of motion in the order in which they are received.

25. Notices of motion shall be given to the Council Clerk at any meeting of the Council, or not less than four days before the meeting of the Council at which the motion is intended to be made: Provided that no motion of which notice shall have been given as aforesaid shall be made, except at an adjourned meeting, unless notice thereof setting forth in general terms the

purport of such motion shall have been given by the Council Clerk to each member of the Council in the summons issued by him for the meeting of the Council.

Committees

26. No Committee of the Council shall consist of less than three members and the Chairman. The Chairman or a majority of every Committee shall summon the Committee, and may direct the Council Clerk to call meetings whenever they may consider it necessary or expedient.

27. The appointment of Special Committees shall continue until the specific duty for which they were appointed shall have been discharged, provided that such Committee may at any time be dissolved by vote of the Council.

28. The rules affecting the Council shall be observed and be in force in any Committee, with the exception of the rule limiting the number of times of speaking; and every report of a Committee shall be signed by the Chairman thereof.

Special Committees.

29. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully intrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been intrusted to any such Special Committee.

30. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the event of its becoming necessary through an equality of votes to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Officers.

31. No Officer shall be appointed until a general outline of his duties and the amount of salary shall be approved of by the Council; and no appointment of any kind shall take place until one week's notice at least shall have been given in one or more of the local papers inviting applications for the same.

32. Every officer or servant of the Council who, by reason of his office or employment under the Council, shall be intrusted with the custody or control of any moneys, shall give security to the satisfaction of the Council in the sum of not less than fifty pounds for faithfully and duly accounting for the same.

33. Any officer or servant of the Council who shall be intrusted with the receipt of any moneys for the Council shall not have or retain in his hands any sum at any one time exceeding ten pounds of any such moneys; any such officer or servant offending against this By-law shall forfeit and pay a penalty of not less than two pounds and not more than twenty pounds.

34. In cases where security shall be required by the Municipalities Act of 1867, the sureties offered shall be approved of by the Council before they are accepted as surety, any of its members, or any person holding office under the Council; and in all cases in which security for the due and faithful performance of any duty or contract is required, the expense of preparing such security shall be borne by the person or persons giving the same.

35. No member or officer of the Council shall be at liberty to show, lay open, expose, or give any information of any of the books, papers, records, or any other documents or vouchers belonging to the Council to any one not a member of the Council, without permission from the Council, except always as may be otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than ten shillings nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

How complaints against officers, &c., are to be dealt with.

36. All complaints against officers or servants of the Council must be in writing and addressed to the Mayor, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous.

37. All such complaints as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Common Seal and Records, &c.

38. The Common Seal shall be kept at the Council Chambers, and the Mayor shall have the custody of the same, and shall in the presence of the Council Clerk; but for the purpose of affix it to all documents creating obligations on the Corporation officially authenticating documents the Mayor may alone fix the seal.

39. All charters, deeds, muniments, and records of the Municipality shall be kept in the Council Chambers in the custody of the Council Clerk, unless the Council shall otherwise order. Any person removing any such book or other record of the Council as aforesaid from the Council Chambers, or the place where by direction of the Council such book or other record is usually kept, without leave for such removal having been first obtained from the Council, or without other lawful cause for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds.

Penalty for defacing or destroying record.

40. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Treasurer's Report.

41. The Treasurer's Account shall be laid before the Council by the Mayor or presiding Alderman at every alternate meeting, or oftener if required.

Leave of absence.

42. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council after due notice.

Call of the Council.

43. Any member of the Council who, having had notice of a call of the Council, who being absent shall not be legally excused, or who if absent and not so excused shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing shall for every such offence be liable to a penalty of ten shillings.

Work or appointments affecting the funds of the Council.

44. Whenever it is decided that any work shall be executed or any material supplied by contract other than provided by By-law, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

45. No work affecting the funds of the Corporation shall be undertaken until the probable expense shall be first ascertained and authorized to be executed by the Council; and before any motion shall be made for the payment of any such works the account shall be examined and passed by the Finance Committee: Provided that in the event of any day labourer being discharged by a majority of the Improvement Committee, such majority shall have power to authorize the Mayor to pay the amount actually due to such labourers, or any of them, by cheque drawn in the usual way on the Bank Account; and any such payment shall be confirmed at the ensuing meeting of the Council: Provided further that in cases of emergency the Improvement Committee may authorize the expenditure of any sum not exceeding three pounds, and such expenditure shall be reported to the Council at its next meeting, and the reasons given why the authority so to expend became necessary.

Collection and enforcement of rates.

46. The rates shall be levied and collected half-yearly, and shall be held to be due and payable on such days as the Council shall by resolution from time to time appoint.

47. All persons liable to pay any rate or assessments shall pay the amount within any such period that the Council have directed by a resolution into the office of the Council Clerk during the office hours, that is to say, between the hours of 10 a.m. and 3 p.m. on Mondays.

48. It shall be the duty of the Council Clerk to furnish the Mayor of the Municipality, for presentation to the Council every six months, with a list of the names of all persons who are in default within the meaning of section 176 of the Municipalities Act of 1867.

49. It shall be the duty of the Mayor of the Municipality to issue distress warrants against defaulters after such default shall in manner aforesaid have been reported to him, and to cause such warrants to be enforced: Provided that this By-law shall not prevent such other proceedings being taken for the recovery of overdue rates or assessment as a majority of the Council shall from time to time deem necessary.

50. The bailiff of the Municipality shall be appointed by a resolution of the Council, and may at any time be removed in a similar way.

51. The bailiff shall find surety to the Mayor, himself in fifty pounds, and two sufficient sureties in twenty-five pounds each for the faithful performance of his duty.

52. It shall be the duty of the bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

53. Any person who shall interrupt, interfere with, or obstruct the bailiff of the Council or his deputy, or any of his assistants in the execution of any warrant to distress, or in the execution of his or their duty under such warrant, or under any of the provisions of the Municipalities Act of 1867, or under any of these By-laws, or in the performance of any matter or thing which he or they are authorized by law to do, shall forfeit and pay a penalty of not less than twenty-five pounds nor more than fifty pounds.

54. All levies and distresses shall be made under warrant in the form or the effect of the Schedule hereunto annexed and marked with the letter A, under the hand of the Mayor and seal of the Municipality.

55. It shall be lawful for the bailiff or his deputy and such assistants as he may take with him to enter into any part of the building, tenements, or other property, in respect of which such rate or rates shall have been levied as aforesaid, and to distrain the goods therein or thereon, and to remain in or upon such building, tenement, or other property in charge thereof, until payment; and if the sum for which such distress shall have been made or taken shall not have been paid on or before the expiration of five days from the date of making such distress, it shall be lawful for such bailiff or his deputy to cause the goods or other property so distrained on, or a sufficient portion thereof, to be sold by public auction on the premises or at some public place within the Municipality to be appointed for that purpose by the Council, and the surplus, if any, that may remain after deducting the amount distrained for together with expenses, over on demand to the owner of the goods so sold.

56. The bailiff on making a distress as aforesaid, may impound or otherwise secure the distress so made, of what nature and kind soever it may be, in such part of the land or premises chargeable with the rate, or in such other place as shall be most fit and convenient for the purpose; and it shall be lawful for any person whatsoever after the expiration of the five days hereinbefore mentioned to come and go to and from such part of the said land and premises where any distress shall be impounded and secured as aforesaid in order to view and buy, and in order to carry off and remove the same on account of the purchase thereof.

57. The bailiff shall hand over to the Council Clerk all proceeds of such distresses within forty-eight hours after having received the same.

58. If the bailiff shall neglect or refuse faithfully to perform any of his duties, or shall make any bad use of the powers entrusted to him, or shall neglect to pay over the moneys received by him as such bailiff within the time hereinbefore mentioned, he shall forfeit and pay a penalty of not less than one pound nor more than ten pounds.

59. The bailiff may, with the sanction in writing of the Mayor of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person thus authorized shall have and exercise all the powers of the bailiff himself, but the bailiff and his sureties shall in every case be held responsible by the Council for the acts of such deputy.

SCHEDULE A.

Warrant of distress against tenant actually rated, and occupant.

To and his assistants.

Whereas the person whose name appears in the Schedule hereunder written has been rated by the Municipal Council of the Municipal District of Tenterfield, in respect of the property also appearing in the said Schedule at the sum and for the purpose set down opposite his or her name. And whereas the said sum was and still is due and payable on account of such rate, and default having been made in the payment thereof to the Treasurer although demand has been made as is required by law. These are therefore to authorize you forthwith to make distress of the goods and chattels in the first place upon those of the person named in the Schedule if he or she be then resident in the said premises, and have any goods and chattels there, and in case of a change of possession, then upon the goods and chattels of any person who shall then be the occupier thereof, or upon the goods and chattels of the person in possession of the said premises so appearing in the said Schedule at the time of executing the warrant. And if within the space of five days after the making of such distress the said sum of money set opposite to his or her name at which the person was so rated as aforesaid shall not be paid together with costs, that then you do sell the said goods and chattels of the person so by you distrained, and out of the money arising by such sale you retain the sum so due and owing for the premises in the same Schedule mentioned and occupied by the party whose goods you shall have sold together with costs, rendering to him or her the overplus, and that you certify to me on or before the day of _____, what you shall have done by virtue of his warrant.

SCHEDULE B.

No. in Rate-book.	Name of ratepayer.	Description of property.	Situation of property.	Rate.
				£ s. d.

Given under my hand and under the common seal of the Mayor, Aldermen, and citizens of the town of Tenterfield, at the Council Chambers, this day of _____, 18 .

Mayor.

SCHEDULE C.

	s. d.
1. For every warrant of distress	2 0
2. For every levy	1 0
3. For man in possession, each day or part of a day.....	5 0

For inventory, sale, commission, and delivery of goods not exceeding one shilling in the pound of the net proceeds of the sale.

I hereby certify that the above Corporate Seal was affixed in my presence according to By-law No. 55.

Council Clerk.

PART III.

For the care and management of the roads and public streets and public thoroughfares of the Municipality of Tenterfield.

60. The Council shall, within the Municipality, have the care, construction, and management of all roads and public streets, and public thoroughfares within the Municipality which may have been, or may hereafter be, duly proclaimed or marked out or in actual public use as such.

61. In any street or road where it may be deemed necessary to cut or fill up to a greater depth than 3 feet, the Council shall cause a plan and section showing the proposed cuttings and fillings to be exhibited at the Council Chambers for seven days, for the information and inspection of ratepayers, and notify the same in one or more of the local newspapers, and no objection thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given.

62. No person shall encroach beyond the building line in any street or lane, by the erection of houses, verandahs, doorsteps, fences or any other obstructions whatsoever, without consent of the Council.

63. No person shall be allowed to alter, cut up, or destroy the pathways or roads, or to remove stone, loam, sand, gravel, or any other substance whatsoever from any of the roads or streets of the Municipality without the authority of the Council.

64. No person shall be allowed to obstruct any road, street, or public thoroughfare within the Municipality, by building materials, drays, carts, or anything calculated to obstruct or hinder free passage, without the sanction of the Council in writing, and no person shall be allowed to leave waterholes or excavations for cellars or other purposes, unfenced, or in such a manner as to be dangerous to passers by; and at all places where buildings are being carried on, or where any obstruction to the danger of passers by exists, the person causing such obstruction shall be required to provide lights on either side, and to keep the same lighted from sunset to sunrise.

65. If any person or persons shall drive or cause to be driven, any cart or other vehicle with any night-soil, or shall take away or remove any noisome matter in any cart or other vehicle through or in any of the streets, roads, or public places within the said Municipality, between the hours of 6 o'clock in the morning and 11 at night, or shall fill any cart or other carriage so as wilfully to turn over or cast any night-soil or other offensive matter in or upon or near any of the said streets or public places, or shall deposit or cast out the night-soil hereinbefore described from such carts as aforesaid nearer to any street, road or dwelling-place than shall be directed by the said Council, or shall allow any such carts to stand nearer to any road, street, or dwelling-place than shall be directed by the said Council, he shall for every such offence forfeit and pay a penalty of not less than one pound and not more than ten pounds; and in case the person so offending cannot be apprehended, then the owner of such cart or other vehicle in which such night-soil or offensive matter shall be put or placed, and also the employer of the person offending shall be liable to pay and forfeit such penalty as aforesaid.

66. Any person who shall form, dig, or open any drain or sewer in any part of the lanes, roads, streets, or thoroughfares within the Municipality, or shall move or cause to be moved any turf, clay, sand, soil, gravel, stone or other material without leave first had been obtained from the officer or persons having lawful charge of such lanes, roads, streets, or thoroughfares respectively, or who shall wantonly break up or otherwise damage any part of the said lanes, roads, streets or thoroughfares, shall, on conviction, forfeit and pay for every such offence a penalty of not less than one pound nor more than five pounds.

67. The Council, or any officer appointed by them, may, after one month from the date of the publication of these By-laws in the Government Gazette, upon due notice, direct the removal of any fence or other obstruction or encroachment in and upon any lane, road, street, or thoroughfare under the management of the Council; and such notice shall be served personally or at the usual or last known place of abode of the person who made or caused to be made such obstruction or encroachment, or any party who may be in charge of the same, or to whom the same may belong.

68. In any case where service of notice for removal of any obstruction as aforesaid, the same shall not be removed within such reasonable time as the Council shall appoint, it shall be lawful for the Council to direct the removal of the same at the cost of the person by or to whom the same shall have been

made, or any party who may be in charge or to whom the same may belong, provided that the expenses thereby incurred shall not exceed the sum of twenty pounds; and in any case where the obstructions or encroachments cannot be removed unless than at a greater cost than twenty pounds, it shall be open to the Council either to direct such removal and pay all costs thereof above twenty pounds from the Municipal funds or to proceed by action of trespass against the person who shall make or cause to be made such obstruction or encroachments, or who may be in charge thereof.

Temporary stoppage of traffic for repairs, &c.

69. The Mayor, or any officer or person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

70. If any person shall haul or draw, or cause to be hauled or drawn, upon any part of the streets, roads, or public places, any timber, stone, or other thing otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such street or public place, to the injury thereof, every such person so offending shall forfeit and pay for every such offence a sum not less than five shillings nor more than two pounds over and above the damages occasioned thereby; and it shall be lawful for any constable or any other person to lay an information against any person whom he shall find in the act of committing such offence.

71. If any person shall in any street or road throw, cast, or lay, or shall permit or suffer to be thrown, cast or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or annoyance, or any matter or thing in or upon the carriage-way or footway of any such street or road, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other cattle, in or so near to any of the said streets or roads as that the blood or filth shall run or flow upon or over, or to be on any such carriage or footway, shall forfeit and pay a sum not less than ten shillings nor more than forty shillings.

Consent of Mayor for depositing building materials, &c., or making sheds and streets.

72. That no person or persons shall place or deposit any stone, wood, lime, sand, or other materials, or erect, build, or place any shed for workmen, or other erections or enclosures, on any road, street, carriage or foot way, or other public place within the said Municipality, without the consent of the Mayor of the said Municipality for the time being first had and obtained.

73. That no person shall throw, cast, or fire any squib, cracker, rocket, or any firework, in, near, or into any street, road, lane, or thoroughfare, or passage, within the boundary of the town proper, or permit or suffer any person to fire off or discharge, at or from his house, or in any street, road, lane, thoroughfare, or passage within the boundary of the town proper, any gun, pistol, or other firearm, nor burn any matter in any street, road, lane, or thoroughfare, or passage within the said boundary of the town proper; and that every person so offending shall be liable to a penalty not exceeding the sum of five pounds.

Fires in the open air, &c.

74. That no person or persons shall burn, or cause, permit, or suffer to be burned, any shavings, rubbish, or other matter, nor shall kindle, or continue, or cause, permit, or suffer to be kindled or continued, any fire in the open air, or in any place not properly and sufficiently constructed for the purpose, within the distance of one hundred feet from any dwelling-house, building, or fence, in any place whatsoever within the boundary of the town proper.

Covering in wells.

75. That every person who shall have a well, underground tank, or cistern on his or her premises in the said Municipality, shall well, securely, and permanently cover the same, and every day during which such well, underground tank, or cistern shall remain not so covered shall constitute an offence under this By-law.

Stock yards erected in public streets, &c.

76. That it shall not be lawful for any person or persons, after the passing and approval of this By-law, to erect, or cause to be erected, in any street or public place within this Municipality, any stock-yard or other yard for the reception or killing of cattle and horses, or for any other purpose whatever: Provided also that it shall be lawful for the Municipal Council of the said Municipality to remove, or cause to be removed, any already existing yards or stock-yards, in any street or public place, upon complaint of at least ten ratepayers residing in the locality where such stock-yards are situated: Provided also that in case the owner or occupier of any such yard or stock-yard shall, within twenty-one days after notice from the said Municipal Council, fail to remove such yard or stock-yard, said owner or

occupier shall upon conviction thereof before two or more Justices of the Peace forfeit and pay a penalty or sum not exceeding twenty pounds nor less than five pounds sterling, together with all costs of suit.

Shades or awnings in front of shops, &c.

77. That it shall not be lawful for any person or persons to erect or cause to be erected, any shade, awning, or other work, building, or erection of any nature or material, over or across any public street or footpath, or any part thereof, within the said Municipality, without first having obtained in writing the consent of the said Municipal Council: Provided also that such awning, &c., be at least eight feet above the height of the footway in front of such house or shop, and that the posts to be upright and placed close to the kerbstone or outer edge of such footway, and be approved of by the Mayor of the said Municipal Council.

78. That it shall not be lawful for any person to drive any mob of horses or cattle or flock of sheep into any part of the said Municipality for the purpose of depasturing the same, nor shall it be lawful for the driver of any mob of horses or cattle or flock of sheep to camp with such mob of horses or cattle or flock of sheep within any part of the said Municipality under a penalty or sum not exceeding one shilling per head of horses and cattle, and one penny per sheep found so trespassing, which sum with costs may be recovered before any two Justices of the Peace as other penalties under these By-laws: Provided that nothing in this By-law shall prevent mobs of travelling horses or cattle or flocks of sheep from passing through on the travelling stock reserved road within the said Municipality.

Damming water without consent.

79. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment in or across any creek or natural water-course, or divert any stream or water-course to any other channel shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum no less than five pounds nor more than fifty pounds; and if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment he shall forfeit and pay a sum of fifty pounds.

Dead animals—mode of removal.

80. If any animal shall die in any part of the said Municipality, and the owner of such animal shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

81. Every person who shall erect, or repair, or knowingly permit to be erected or repaired within the said Municipality, any building or portion of a building, any portion of which shall be constructed of bark or other dangerously inflammable materials, shall on conviction of every such offence pay a penalty of not more than twenty pounds; and every person who shall suffer any such building or portion of a building to remain as aforesaid for twenty-four hours after such conviction, shall be guilty of a further offence against this By-law: Provided that this By-law shall only be enforced within that portion of the Municipality bound on the west by Tenterfield Creek, on the north by Nass-street, on the east by Wood-street, and on the south by Douglas-street.

82. Every person who shall, within that portion of the Municipality named in the preceding By-law, erect any fence of brushwood, bushes, or other inflammable material, or shall make or place, or cause to be made or placed, any stack of hay, corn, straw, or other produce, or place as for the covering of any such stack any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce thereof, or any chattels therein, shall on conviction of every such offence pay a penalty of not more than ten pounds; and shall also remove such fence, stack, or covering within seven days after such conviction; and any person failing to remove such fence, stack, or covering within the time specified after such conviction as aforesaid shall be deemed guilty of a further offence against this By-law.

Various obstructions and annoyances.

83. Every person who, in any street or other public place or passage within the Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

84. Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

85. Every person who shall place a line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

86. Every person who shall place any flower-pot, box, or other thing, in any upper window near to any street or public place, without sufficiently guarding the same from being thrown out.

87. Every person who shall throw or cast from the roof or any part of any house or other building any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a board or enclosure), when any house or building is being erected, pulled down, or repaired.

88. Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.

89. Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the Municipality.

Injuring or extinguishing lamps.

90. Any person who shall wantonly or maliciously break or injure any lamp or lamp post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence any sum not less than one pound nor more than five pounds.

Rubbish.

91. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality, without permission first obtained from the Municipal Council or the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

As to private avenues, &c.

92. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Municipality who shall neglect to keep clean any private avenues, passages, yards, thoroughfares and ways within the said premises so occupied or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Obstructing public pathways.

93. If the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant kept for ornament or otherwise to overhang any footway or footpath on the side of any such street or road, and, on demand made by the Council, shall not cut, lop, or cause to be lopped all such trees, shrubs or plants to the height of eight feet at the least, the said Council by their servants labourers, and workmen, may cut, or cause to be cut or lopped, at the expense of such owner or occupier, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Drains for discharge of surface water from land.

94. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street shall, within seven days next after the service of notice from the Council for that purpose, construct and lay a covered drain from such point upon such land, being near to the footway, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain, as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid, or with the provisions of this By-law, such owner or occupier shall forfeit any sum not exceeding five pounds nor less than ten shillings. And if after such conviction such drain shall not be constructed as herein specified, or kept in good condition, such owner or occupier shall forfeit any sum not less than five shillings nor more than two pounds per day for each and every day after such conviction.

Fire or combustible materials, &c.

95. Every person who shall place, or knowingly permit to be placed, in any house, yard, or workshop, out offices, or other premises, fire, gunpowder, or combustible or inflammable material of any kind, in such manner as to endanger contiguous

buildings shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Placards not to be affixed to walls.

96. It shall not be lawful for any person to paste or otherwise affix any placards or other paper upon any wall, house, fence, or erection with chalk, paint, or other matter, unless with consent of the owner thereof; and every person who shall be guilty of any such offence shall pay a sum not exceeding two pounds nor less than five shillings.

Placing carriages, goods, &c., on footways—Not removing the same when required.—Replacing same after removal.—Awnings to be exempted.

97. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever; or shall hoop, place, wash or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot way in any street or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be set out, laid, or placed, any coach, cart, wain, waggon, dray wheelbarrow, handbarrow, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot way any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or thing or matter whatsoever, from any house or other building or premises over any part of any such footway or carriage-way, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises or over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council, or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid) in, upon, or over any such carriage or foot way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Complaint respecting dirty premises.

98. Upon the complaint of any householder, or upon the order of the Mayor, that the house, premises, yards, closets, or the drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of; and the officer of the Council shall have the full power without any other authority than this By-law to go upon such premises for the aforesaid purpose, between the hours of 8 a.m. and 6 p.m. And any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and cleanse same.

99. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall res-

pectively belong, and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the directions of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Erection of closets, &c.

100. Every person who shall be about to erect a closet or form, excavate, or make a cesspit within the boundaries of the town proper shall, before he shall commence to erect such closet or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Municipality of Tenterfield a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said boundaries without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice, except by the written authority of the Inspector of Nuisances for the said Municipality or other officer for the time being appointed by the Council of the said Municipality in that behalf, he shall forfeit and pay a penalty of not more than five pounds. But any person who shall feel aggrieved by the decision of such Inspector or other officer, may at any time within fourteen days after such Inspector or other officer shall have made his decision, appeal in writing against the same to the Council; and further that the owner of any closet not removing the same when ordered to do so by the said Council within fourteen days after the receipt of such order, the same shall be removed by the Inspector of Nuisances at the cost and expense of the said owner, and he the said Inspector of Nuisances may sue the said owner for such cost as though for an ordinary debt. If any alterations shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

Power of Inspector as to dead animals on private property.

101. The Inspector of Nuisances or any other officer appointed by the Council of the Municipality, may at any hour in the day-time enter upon any premises or place within the said Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose, and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals in certain cases to be removed at the cost of the Municipality.

102. If any animal shall die in any public street or place within the Municipality, and has not been removed by the owner or owners in accordance with By-law No. 80, it shall be immediately removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in the manner aforesaid at the cost of the owner.

103. Upon representation of any two respectable householders that the house or premises adjoining is one of ill-fame, it shall be lawful for the Mayor or any two Aldermen to cause the resident of such house to furnish to the Council a list of the names, sex, birth-place, and occupation of all the inmates of the said house, and upon non-compliance with the request, or if upon consideration, the Mayor and any two Aldermen shall consider the house to be one of ill-fame, the Mayor shall cause a notice in writing to be served on such householder or resident to discontinue and abate the said house of ill-fame within forty-eight hours after the receipt of such notice, otherwise to be liable to a penalty not exceeding one pound for every day or part of a day which such house of ill-fame shall remain unabated within the Municipality.

104. Any person who shall cast any filth, rubbish, or any animal or animals with intent of drowning, or any dead animal into any public water-course, sewer, water-hole, or river, or creek, or canal, or shall obstruct or direct from its channel any such sewer, canal, or water-course, shall forfeit and pay a sum of not less than one pound nor more than five pounds, and shall pay the costs of removing such filth or obstructions, or of restoring such water-course or canal to its proper channel, not exceeding fifty pounds in the whole.

105. Any person who shall wash or cause to be washed any wool, hides, skins, or otherwise, in any creek, or water-course within the Municipality, shall forfeit and pay a penalty of not less than one pound nor more than ten pounds.

Hog-sties to be 120 feet from streets.— Animals suffered to stray, &c.

106. Any person who shall breed or keep, so as to be a nuisance, any kind of swine in any house, building, yard, garden, or other place situated and being within 120 feet of any street or public place within the said Municipality, or shall suffer any kind of swine belonging to him or her, or under his or her charge, to stray or go about any street, road, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings for such and every animal so bred, kept, suffered to stray or go about any such street, road, or public place as aforesaid, and the owner or occupier of any house or premises, or other place within the said Municipality, wherein any kind of swine is bred, kept, or fed, shall within the meaning of these By-laws, be deemed the owner of every such animal so bred, kept, or fed, or suffered to stray in any such street or public place as aforesaid, and the words any "house," "building," "yard," "garden," or "other place," wherein any kind of swine shall be kept or bred as aforesaid, shall respectively be deemed hog-sties within the meaning of these By-laws.

107. It shall not be lawful for any person whosoever to suffer any kind of swine, or any horse, ass, mule, sheep, goat, or cattle belonging to him, or under his or her charge to stray or go about, or to be tethered or depastured in any lane, road, or street within the said Municipality; and any person who shall so offend shall forfeit and pay, in respect of every such animal a sum not less than five shillings nor more than two pounds: Providing that after due inquiry shall have been made and the owner thereof cannot be discovered, it shall be lawful for the said Council, or any officer belonging to the said Council, to destroy any swine or goats so straying and injuring property of any description: Provided further that the Council, or any officer or officers appointed by them, may impound any swine, horse, ass, mule, sheep, goat, or cattle found straying or going about, or depasturing in any lane, road, or street within the Municipality.

Persons bathing.

108. No person shall bathe between the hours of 6 a.m. and 7 p.m. within one hundred yards of any public road, or place within the Municipality unless in some enclosed place, or otherwise in such manner as not to offend against common decency.

To prevent the contamination of the water of the Tenterfield Creek.

109. Whosoever shall bathe in any creek or water-course within the boundary of the town proper, or permit or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, or unwholesome, or improper water, or shall wash any clothes at any such stream as aforesaid or shall do anything whatsoever whereby any water-course as aforesaid shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds (£5); for a second offence any sum not less than ten shillings (10s.) nor more than five pounds (£5); and for the third and every subsequent offence any sum not less than one pound (£1) nor more than twenty pounds (£20).

110. Any person who shall damage any public building, wall, parapet, fence, culvert, sewer, water-course, pump, or other public property within the Municipality shall pay the costs of repairing the same; and if such damage be wilfully done shall forfeit and pay a sum not exceeding twenty pounds (£20) nor less than five pounds (£5).

PART V.

Nuisances, noisome and offensive trades.

111. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, in the said Municipality and to give such directions concerning the cleaning the said shambles, slaughter-houses, tanneries, and establishments, both within and without as to him shall seem needful; and any butcher, or the owner or occupier of any such shambles, slaughter-house, tannery, or establishments, who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

112. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

113. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or

discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a noisome and offensive trade within the meaning of these By-laws.

114. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on, in the vicinity of his or her property as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint and shall report thereon to the Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade," within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, carrying on such trade, to cease and discontinue the same within such reasonable time, not being less than one month nor more than three months, as the Council may direct, or so conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be "noisome and offensive," the meaning of these By-laws either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be "noisome and offensive," as aforesaid within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade, as aforesaid, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

115. The like proceedings shall be taken, as aforesaid, whenever there shall be a complaint, as aforesaid, that any manufacture, trade, calling, or operation is about to be commenced, or entered upon, which is likely to prove noisome and offensive within the meaning of these By-laws, save and except that the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws, to any resident within the Municipality: and any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so as that the same shall be in any way "noisome and offensive," within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

116. Service of any such notice as aforesaid upon the occupier or owner of any premises, or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced, or entered upon, or at the last known place of abode of such occupier, or owner, or upon any person on the said premises, or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in such manufacture, trade, calling, or operation, as aforesaid, shall be liable to be regarded and treated as a person conducting following, or carrying on such manufacture, trade calling, or operation, within the meaning and for all the purposes.

PART VI.

Regulating Slaughter-houses, &c.

117. That in pursuance of the powers vested in the Council by 7 Vic. No. 2, the said Council shall appoint, by notice to be published in any newspaper published within or nearest to the said Municipality some person to be called the Inspector of Slaughter-houses,—such person to be the Inspector of Slaughter-houses and of animals intended to be slaughtered within the Municipality, for all the purposes of these By-laws.

118. The Inspector shall only inspect animals for slaughter in the yards adjoining licensed slaughter-houses.

119. Such Inspector shall from time to time enter into and examine all such slaughter-houses, and shall examine the melts or spleens and lungs and carcasses of all animals slaughtered, or any animals intended to be slaughtered therein.

120. The owner or occupier of any or every such slaughter-house used for the slaughter of animals intended for human food, shall keep the melts or spleens and lungs of all animals slaughtered in the said slaughter-house for a period of six hours after the animals have been slaughtered, unless the Inspector of Slaughter-houses shall have previously examined

the melts or spleens and lungs of such slaughtered animals. And any such owner or occupier as aforesaid who shall neglect or refuse to do so shall forfeit and pay a penalty of not less than forty shillings nor more than twenty pounds.

121. The blood, offal, and filth of all such animals as may be slaughtered in any such slaughter-house shall be removed at least once in every twelve hours: and any owner or occupier of any such slaughter-house who shall fail, neglect, or refuse to comply with this By-law shall, for every such offence, forfeit and pay a penalty of not less than forty shillings nor more than ten pounds.

122. Nothing herein contained shall extend to or affect any person or persons slaughtering at his or her or their own residences within the said Municipality, animals for his or her or their family, servants, or labourers' use: Provided that the place where any such animals are so slaughtered be not less than 40 feet from any street or other public place, or from any residence other than the residence of such person or persons so slaughtering as aforesaid.

123. Any person or persons other than those provided for by Clause 122, slaughtering animals within the Municipality, in any place or places other than such as are duly licensed by the Magistracy, shall be subject, on conviction, to a penalty in any sum not exceeding one pound for the first offence, and for any subsequent offence any sum not exceeding five pounds.

124. The Inspector of Slaughter-houses shall from time to time, as he may be required, produce to the Municipal Council or the Mayor, or the By-law Committee of the said Council, for inspection, the book of particulars as ordered to be kept by him by the 5th William IV, section 4.

125. The word "animal" shall, for the purposes of this "Part" of these By-laws, be held to include cattle, sheep, pigs, calves, and lambs, and the word "slaughter-house" shall be held to mean any building or place wherein or whereat animals are slaughtered.

126. If the owner or occupier of any such slaughter-house shall knowingly cause, permit, or suffer any animal infected with any disease affecting the melt or spleen, or lungs, to be slaughtered in any such slaughter-house; or if, after the slaughter of any animal, it shall be found to be diseased, and such owner or occupier, as soon as the animal is inspected and condemned, shall not immediately thereupon cause the entire carcase to be destroyed by fire in the presence of the Inspector, such owner or occupier shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than ten pounds: Provided, however, that should the owner of any animal which may be condemned by the Inspector object to the decision of that officer, such owner shall be at liberty to appoint some veterinary surgeon or other competent person as arbitrator in his behalf, and in the event of the Inspector and such veterinary surgeon or other competent person not agreeing, it shall be lawful and incumbent upon them each to appoint an umpire, whose decision shall be final.

PART VII.

For carts, drays, waggons, &c, plying for hire within the Municipality of Tenterfield.

127. That from and after the passing of this By-law, any person who shall be desirous to ply with any car, cab, or other vehicle, or with any cart, dray, or waggon, for hire or reward, or to draw, or to carry, with any cart, dray, or waggon, any wood, water, butcher's meat, bread, dairy farm or other produce, bricks, stone, or any building materials, or any merchandise or other property whatsoever, for hire or reward within the said Municipality shall, on being approved of by the Mayor, register his name and place of abode in the office of the Council Clerk, and shall thereupon, and from time to time thereafter, on payment by him of the rate according to the scale hereinafter mentioned, receive from the Council Clerk a license, on which shall be written his name, place of abode, and number of vehicle so approved—every such license to continue and be in force until the thirty-first day of December in each and every year, and no longer; and if any person shall ply with any car, cab, or other vehicle, or with any cart, dray, or waggon, without being so licensed, or shall cause, or procure any person to ply, not being so licensed, within the said Municipality, or if any person shall draw or carry any wood or water with any cart, dray, or waggon, for the supply of the inhabitants of the said Municipality, without being so licensed, he shall forfeit and pay for every such offence any sum not exceeding five pounds, nor less than one pound: Provided always that nothing herein shall apply to carters bringing or taking any goods or merchandise to or from any place without the said Municipality, but shall apply in all cases when the same property is loaded and delivered from any cart, dray, waggon, or other vehicle within the said Municipality.

The following is the scale of fees for licenses above mentioned:—

	£	s.	d.
For every four-wheeled waggon, an annual sum of	2	0	0
For every bullock dray, an annual sum of	1	10	0
For every car, cab, dray, water-cart, or light cart, an annual sum of	1	0	0

128. The above fees shall be payable on the first day of January, in each year, and not later than the thirty-first of the same month: Provided always, that upon any such license issued after the thirty-first day of March, in each year, there shall be demandable three-fourths of the above fee mentioned, and any such license issued after the thirtieth day of June, in each year, there shall be demandable one-half of the above-mentioned fee, for the same, and no more.

129. And be it further ordered and directed that when any person shall have in his employ and servant licensed as aforesaid, and such servant shall leave such employment before his license shall have expired, then, and in any such case, the license of such servant shall, and may be, transferred to any other person, by registering such transfer in the office of the Town Clerk. And be it further ordered and directed that the name of every person licensed as aforesaid, together with the number of his licensed cart, dray, waggon, or other vehicles as the case may be, shall at all times be legibly painted in letters not less than one inch in length upon the off side of the cart, dray, waggon, or other vehicle with which he shall ply for hire or carry as aforesaid. And if any such person shall at any time fail or neglect to keep his name, the number of his license, and the words licensed cart, dray, waggon, or other vehicle, as the case may be, legibly painted as aforesaid, he shall forfeit and pay for every offence not less than ten shillings nor more than one pound sterling; and if any person not duly licensed as aforesaid shall ply or draw, or carry wood or water, other property, or merchandise, with a cart, dray, waggon, or other vehicle, on which there shall be painted licensed, or the words licensed cart, dray, waggon, or other vehicle, as the case may be, he shall forfeit and pay for every such offence not less than one pound nor more than five pounds sterling.

130. No driver, carter, or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to the culverts, kerbstones, gutters, or pathway of any street or roadway.

131. Any person whosoever who shall wilfully drive, lead or ride any horse or cattle or any other animal along any pathway (except in crossing such pathway to or from any premises adjoining the same), or shall permit any horse or cattle to stand upon any pathway or any part thereof within the Municipality, shall forfeit and pay a penalty not exceeding five pounds.

132. Any person who shall ride or drive through any lane, road, street, or public place, negligently, carelessly, or furiously to the common danger of the public, shall forfeit and pay a sum not less than ten shillings nor more than five pounds.

Conditions under which licenses to be granted.

133. No license shall be granted in respect of any vehicle, which in the opinion of three Aldermen, who shall be appointed by a resolution of the Council of the said Municipality, is unsafe, or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein; nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle, or on such other place or places, and in such manner as the said three Aldermen may direct.

Inspection of vehicles.

134. The three Aldermen aforesaid shall, as often as they deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses, and if any such vehicles, harness, horse, or horses shall at any time be found by the said Aldermen to be unfit for use, the Mayor may cancel the license of such vehicle on the written report of the said Aldermen.

Age of drivers.

135. No license shall be granted to any person to drive any passenger carrying vehicle who shall be under the age of sixteen years.

Description of persons not allowed to travel in vehicle.

136. No person suffering from any infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving, as to occasion any annoyance or to disturb the public peace, and no passenger shall carry inside any vehicle, except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle, nor use the same for eating his meals therein.

Vehicles to carry lights.

137. All vehicles licensed to carry passengers shall be provided with suitable carriage lamps to burn candles, one to be fixed on each side of the driver's box and a third one inside of all omnibuses and closed coaches, and the same shall be lighted when running in the streets either with or without passengers.

Carts, Bicycles, or Tricycles to carry lights.

138. The driver of every cart, night-cart, bicycle, or tricycle which shall, during the hours after sunset of any day and before sunrise of the following day, be in any street or public place within the boundary of the town proper, shall keep a light attached to or suspended from the off or right side of such cart or in front of such bicycle or tricycle so as to be plainly visible to the driver of any carriage proceeding along or through such street or place in a contrary direction to that in which such first-mentioned cart, bicycle, or tricycle shall be directed, and every driver who shall fail to comply with this section shall forfeit a sum not exceeding forty shillings.

Property found in vehicles to be delivered at Council Clerk's Office.

139. The driver of any carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or person, shall be delivered to the driver or conductor who shall deliver the same with any other property found by him within eighteen hours after such finding to the Council Clerk's office and there shall deposit it, and no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time before mentioned, but shall deposit it at the office at the Council Chamber with the Council Clerk or his assistant.

Riding on drays, careless driving, &c.

140. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, lane, passage, thoroughfare, or public place within the Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse 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 is passing upon such street, road, passage, thoroughfare, or public place that he cannot have the direction and government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or any other carriage whatsoever, meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare, 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 by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Ratepayers may give information.

141. That it shall and may be lawful for any ratepayer residing within the Municipality to give such information as may be necessary for the conviction of any party or parties who may ride or drive any horse, cattle, or vehicle upon the foot-path of this Municipality.

PART VIII.

Water Supply.

Water-carriers to attend at fires.

142. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises or property shall be on fire, within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor, or by any Alderman or officer, or person duly authorized by the Council in that behalf, and then present, for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section, shall pay a penalty of not less than five pounds nor more than ten pounds.

Compensation and reward for attending at fires.

143. There shall be paid out of the Municipal funds, to the owner of every licensed water-cart, who shall have attended with any water, at the place of any fire as herein provided, and delivered the same as required for extinguishing such fire, such reasonable compensation as the Council shall, by resolution, deem fit, and also to the owners of such carts as shall have first and second in order attended with loads of water, such further sums by way of reward, as the Council may, by similar resolutions, award.

Hose to be attached to water-carts.

144. No water-carrier shall obtain a license unless he has a proper butt with hose attached, and approved of by the Mayor of the said Municipality.

Noxious weeds.

145. Any person appointed by the Council may enter upon any land within the said Municipality, and for that purpose may break open gates, or take down or remove fences, to extirpate the weed known as the Bathurst burr, Scotch thistle, variegated thistle, or other noxious weeds: Provided always that if any gate be broken or fences removed, the same shall, immediately after the work then required to be done, be restored to their former condition as nearly as may be, and the expenses of extirpating such weeds and restoring such fences may be recovered as an ordinary debt from the owner or occupier of such lands; any person hindering or obstructing any person so appointed as aforesaid, shall for every such offence, be liable to a penalty of two pounds.

146. The owner or occupier of any land within the said Municipality who shall permit or suffer to grow or remain on the said land any of the following noxious weeds, namely, the Bathurst burr, Scotch thistle, variegated thistle, or any other noxious weed, and who shall fail to extirpate, remove, or destroy the same within the space of ten days or such other time as the Council may allow, after receipt of a notice in writing from the Council or proper officer of the Council so to do, shall for every such offence forfeit and pay a sum not exceeding ten pounds nor less than one pound.

147. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made or passed by any Committee thereof, or by the Mayor, or any officer of the Council, or of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the district.

Alteration of By-laws.

148. Any alterations proposed to be made in the By-laws, or any new By-law proposed to be added, shall require the same motion to be given, and proceedings taken thereon as in the case of motions.

Penalties.

149. That every neglect, breach, or offence of or against any of the provisions of these By-laws, where no specific penalty is hereinbefore provided for such neglect, breach, or offence, the maximum penalty shall be twenty pounds sterling, and all fines, fees, and penalties so recovered, shall be paid to the Council Clerk for the time being, or to such other person or persons as the said Municipal Council shall appoint, for the benefit of the said Municipality.

150. In any By-laws of this Municipality any words in the singular number shall be taken to import the plural number, and any words in the plural number shall be taken to import the singular number, and any words in the masculine gender shall be taken to include the feminine gender, unless the same shall be repugnant to the construction thereof.

Made and approved by the Council of the Municipal District of Tenterfield, on the first day of September, 1887.

(L.S.) EDWARD R. WHEREAT,
GEO. KENNEDY, Mayor.
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF ULLADULLA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 22nd May, 1888.

THE following By-laws, made by the Council of the Municipal District of Ulladulla, under the "Municipalities Act of 1867," for regulating and licensing Vehicles, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF ULLADULLA.

BY-LAWS for regulating and licensing vehicles plying for hire within the Municipal District of Ulladulla.

THE Council of the Municipal District of Ulladulla, do, by the virtue of the power and authority vested in such Council by the "Municipalities Act of 1867," hereby make the following By-laws for regulating and licensing vehicles plying for hire within the said Municipal District:—

1. No vehicle, &c., of any kind shall ply for hire within the Municipal District of Ulladulla, unless licensed in the manner hereinafter described.

2. Before any license for plying any vehicle can be granted, the party requiring such license, shall send in a requisition in the form of Schedule A hereto, or to the like effect, and shall duly sign the same and deliver it to the Council Clerk.

3. Licenses for proprietors, &c., shall be in the form of Schedule B hereto, or to the like effect, and shall be made out and numbered by the Council Clerk, and shall bear the seal of the Municipal Council.

4. No license shall be granted in respect of any vehicle which in the opinion of the By-law Committee or of the Mayor and any two Aldermen shall be unsafe, or in bad repair, or otherwise unfit for accommodation and conveyance of passengers.

5. Every license granted under these By-laws shall be in force from the date of such license until the thirty-first of December then next ensuing; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire he may be permitted to substitute another for a period to be thereby specified by endorsement on the license under the hand of the Mayor or Council Clerk.

6. Licenses may be renewed each year by endorsement thereon under the hand of the Council Clerk for the time being.

7. For every such license and renewal thereof there shall be paid to the Treasurer of the Municipality, in advance, for the benefit of the same, the following rates:—

For each 2-wheeled dray drawn by bullocks or horses, 2½-inch tire, to carry not more than 1 ton, £1 (one pound) per wheel annually.

For each 2-wheeled dray drawn by bullocks or horses, 4-inch tire, to carry not more than 3 tons, £1 (one pound) per wheel annually.

For each timber carriage or waggon, tires to be not less than 3 inches, 15s. per wheel annually.

For each 4-wheeled coach or omnibus, or waggonette, drag, 5s. per wheel annually.

For each buggy, carriage, or other light passenger 4-wheeled vehicle, 5s. per wheel annually.

For each gig, sulky, or other 2-wheeled passenger vehicle, 7s. 6d. per wheel annually.

For each 4-wheeled vehicle for hawking, 2s. 6d. per wheel annually.

For each 2-wheeled vehicle for hawking, 4s. per wheel annually.

For hawkers with pack, basket, or barrow, 2s. 6d. annually.

8. Quarterly licenses may be granted at corresponding rates. Licenses not transferable.

9. All vehicles, licensed or unlicensed, travelling through or any part of the Municipal District shall carry lights after sunset till sunrise, or owner or driver shall forfeit a penalty of one pound or not more than £5 (five pounds).

10. Water carts to be licensed at one pound per annum.

11. The By-law Committee shall, as often as they may deem it necessary, cause an inspection to be made of all licensed vehicles, or of any such vehicles, and of the harness and horse or horses used in drawing the same; and if any such vehicle, horse or horses, or harness, shall at any time be found by them unfit for public use, notice in writing of the same shall be given to the proprietor of such vehicle, and if after such notice he shall use or let to hire such vehicle, or suffer the same to be used or let until the same, or horse or horses or harness used in drawing the same, as the case may require, shall be in a fit condition for public use, the said Committee may suspend, for such time as they may deem proper, the license of such vehicle; and in case any person shall neglect or refuse to attend with his licensed vehicle before the said Committee when called upon for the purpose of having the same inspected, the said Committee may suspend the license of such vehicle.

12. No passenger vehicle shall ply for hire within the said Municipality unless there be painted on the outside the number of passengers such vehicle is licensed to carry.

13. For every public vehicle plying or carrying passengers for hire within the Municipality, there shall be paid to the Treasurer of such Municipality, for the benefit of the same, an annual, half-yearly, or quarterly charge according to rates fixed by these By-laws.

14. Every such vehicle while carrying passengers for hire shall be provided with a sufficient and readily available brake properly attached to such vehicle: Provided that this section shall not apply to 2-wheeled vehicles.

15. Every horse or other animal used in the shafts or pole of any such vehicle shall have sufficient breeching as a portion of its harness whilst so used, unless a certificate shall have been granted by the Council licensing such vehicle that such breeching is unnecessary on the portion of the road on which such vehicle is running.

16. Every such vehicle shall carry at least two sufficient and properly furnished lamps, one on either side; and three such lamps, if more than a pair of horses or other animals be employed in drawing it, and the third lamp shall be carried and exhibited over the fore part of the body of the vehicle; and such lamps shall be kept continuously burning between sunset and sunrise, while such vehicle is being used for the purpose of travelling.

17. If any proprietor, licensee, or driver of any such vehicle as aforesaid neglects or omits to comply with any of the requirements mentioned in the last preceding section, he shall be liable to a penalty not exceeding £40 (forty pounds).

18. Every vehicle shall be licensed to carry only as many passengers as can be seated, allowing the space of 20 inches for each passenger on the seat; and such seats are not to be less than fourteen (14) inches wide from front to back, and to have sufficient room between them to allow all passengers to be seated with comfort and decency.

19. The Council can appoint an Inspector who shall see that these By-laws are strictly carried out, and who shall report to the Council once every quarter with reference to any deficiencies whatsoever.

Made and passed by the Council of the Municipal District of Ulladulla, on the fourth day of January, 1888.

(L.S.) DAVID BOAG,
Mayor.

C. CORK,
Council Clerk.

SCHEDULE A.

A Requisition for a License.

To the Municipal Council of Ulladulla.

I, _____, residing in _____, do hereby request that a license may be granted to me to _____ within the said Municipal District.

Dated the _____ day of _____ 188 .

SCHEDULE B.

Municipal Council Chambers,
Milton, 188 .

License.

This is to certify that _____ of _____, the owner of the public vehicle called _____ licensed by the Municipal Council of Ulladulla, has paid the sum of _____, being the charge required by the By-laws to be paid for the same, for a period of _____, and that the said public vehicle is authorized to ply or carry passengers for hire within the said Municipality until the _____ day of _____ next, subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

Given under the Common Seal of the Municipal District of Ulladulla, this _____ day of _____ 18 .

Mayor.

Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF ULLADULLA—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 30th May, 1888.

ULLADULLA MUNICIPALITY.—AMENDED BY-LAWS.

The following amended By-laws, made by the Council of the Municipal District of Ulladulla, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

AMENDED BY-LAWS for the purpose of enabling the Council to appoint their own Bailiff.

Bailiff how appointed.

1. The Bailiff of the Municipality shall be appointed by the Council, and may from time to time be removed by them.

Bailiff to find sureties.

2. The Bailiff shall find two sureties to the satisfaction of the Council to the extent of £25 (twenty-five pounds) each for the faithful performance of his duty.

Duties of Bailiff.

3. It shall be the duty of the Bailiff to serve all summonses issued by the Council, and to make levies by distraint for recovery of rates in manner hereinafter provided.

Warrant of distress.

4. All levies and distresses shall be made under warrant in form of Schedule A hereto under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

5. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property in respect of which such rate or rates shall have been made as aforesaid, and to distraint the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of three clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon on the next day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipality as the Bailiff may think proper to remove them for such purpose, and shall pay

over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and the cost of such distraint, to the owner of such goods so sold on demand by such owner.

Inventory.

6. At the time of making a distress, the Bailiff shall make out a written inventory in form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the Council Clerk.

Goods may be impounded.

7. The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secure as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

8. The owner of the goods or chattels so distrained upon may at his or her option direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

9. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

10. The Bailiff may, with the sanction in writing of the Mayor, or in his absence, with the sanction of any two Aldermen of the Municipality, authorize, in writing under his hand, any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs.

11. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this By-law, the costs and charge in the Schedule C hereunder.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipality of Ulladulla, do hereby authorize you _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for _____, being the amount of rates due to the said Municipality to the _____ day of _____, for the said dwelling-house (or land or premises as the case may be) and to proceed for the recovery of the said rates according to law.

Dated this _____ day of _____, 1888.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of Ulladulla, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the Municipality, for _____, being the amount of rates due the said Municipality

to the _____ day of _____

Dated this _____ day of _____, 1888.

Bailiff.

SCHEDULE C.

Costs.	s.	d.
For every warrant of distress	2	0
For every warrant and making levy where the sum is not more than £2	2	0
Above that sum, in addition, for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession each day or part of a day	5	0
For sale, commission, and delivery of goods, per pound, on proceeds of sale	1	0

Made and passed by the Council of the Municipal District of Ulladulla, the 4th day of January, 1888.

(I.S.) DAVID BOAG,
Mayor.

C. CORK,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WAVERLEY—ADDITIONAL BY-LAW.)

Presented to Parliament pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 1st March, 1888.

WAVERLEY MUNICIPALITY.—ADDITIONAL BY-LAW.

THE following additional By-law, made by the Council of the Borough of Waverley, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

Opening footpaths, roads, &c.

No person without lawful authority shall break up or open the footpath or carriage-way in any road, street, or lane under the control of the Council, for the purpose of laying gas, water, or drain pipes, or for any other purpose, without previously paying into the office of the Council a fee of two shillings and sixpence, and obtaining the written authority of the Mayor or Council Clerk to break up or open the footpath or carriage-way of such road, street, or lane; and any person commencing to break up or open the footpath or carriage-way in any road, street, or lane, without first paying such fee and obtaining such written authority, shall be liable to a penalty of ten shillings for every day he shall commence or carry on such work as aforesaid without having first paid such fee and obtained such written authority as aforesaid; and every person or Corporation breaking up any footpath, road, street, or lane in the Borough, shall repair and make good the same to the satisfaction of the Council's Overseer, or the Council may effect such repairs at the risk and expense of the person or Corporation breaking up such footpath, road, street, or lane.

By virtue of the powers and authority of the "Municipalities Act of 1867," the Council of the Borough of Waverley passed the foregoing By-law on the 16th day of August, 1887.

ROBERT T. ORR,
Council Clerk.(L.S.) THOMAS J. DICKSON,
Mayor.

1887.

(THIRD SESSION.)

 NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF WENTWORTH—AMENDED BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

 Colonial Secretary's Office,
 Sydney, 21st July, 1887.

MUNICIPAL DISTRICT OF WENTWORTH.—AMENDED BY-LAW.

THE following amended By-Law, made by the Council of the Municipal District of Wentworth, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

AT an Ordinary Meeting of the Council, held on 17th May, 1887, due notice having been given, it was resolved that By-law No. 92 be amended by striking out the word "and" after "seven days" and substituting the word "or" in lieu thereof.

AMENDED BY-LAW No. 92.

In all cases where public notice is or shall be required to be given by any By-law, of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed, by the Council or any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, or by advertising the same in some newspaper circulating in the Municipality.

(L.S.) HENRY G. PRICE,

Mayor.

Council Chambers, 21st May, 1887.

FREDERICK W. WILKES, Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WEST MAITLAND—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 7th October, 1887.

WEST MAITLAND MUNICIPALITY.—AMENDED BY-LAWS.

THE following Amended By-law, made by the Council of the Borough of West Maitland, under the "Municipalities Act of 1867," for regulating and licensing vehicles plying for hire within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BOROUGH OF WEST MAITLAND.

BY-LAW in place of number twenty-eight of the By-laws for regulating and licensing omnibuses, waggonettes, cars, and hackney carriages plying for hire within the Borough of West Maitland.

The Council of the Borough of West Maitland do, by virtue of the power and authority vested in such Council by the "Municipalities Act of 1867," hereby repeal number twenty-eight of the By-laws made and passed by the said Council on the thirtieth day of March, 1886, for regulating and licensing omnibuses, waggonettes, cars, and hackney carriages plying for hire within the Borough of West Maitland, and published in the supplement to the Government Gazette, number 391, of Thursday, 15th July, 1886, and make the following By-law in the place of and instead of such repealed By-law, viz. :—

28. Any licensed driver of any licensed omnibus, waggonette, car, or hackney carriage, not specially licensed to ply for hire to and from the Railway Stations of the said Borough, having started with such omnibus, waggonette, car, or hackney carriage drawn by one or more horses, from either of the public stands at Regent-street or Victoria Bridge, within the said Borough, shall complete the journey to the other of such public stands without turning round or leaving High-street at a pace faster than a walk, that is to say, at an ordinary trot, and no such driver under any pretence whatsoever shall permit either horse, should two horses be attached to such omnibus, waggonette, car, or hackney carriage, to canter during such journey or any portion thereof; and every such driver shall perform the journey with the said vehicle so drawn as aforesaid from the public stand situate at Regent-street, within the Borough, to the corner of High and Bulwer Streets, within the said Borough, in not less than six minutes nor more than eight minutes; from the corner of High

and Bulwer Streets to large lamp at Hunter-street, in said Borough, in not less than four minutes nor more than six minutes; from the large lamp at Hunter-street, in said Borough, to the railway crossing in High-street, in said Borough, in not less than four minutes nor more than six minutes; from the railway crossing in High-street, within the Borough, to the public stand at Victoria Bridge, within this Borough, in not less than five minutes nor more than eight minutes, making the whole journey from the public stand at Regent-street to the public stand at the Victoria Bridge in not less than nineteen minutes nor more than twenty-eight minutes, in due rotation in the order in which each driver shall have started from the said stand at Regent-street. And the foregoing periods of time shall be observed on the return journey from the said public stand at the Victoria Bridge to the said stand at Regent-street, except in the case of the driver of any such licensed vehicle returning with such vehicle from the stand at the Victoria Bridge, who shall be at liberty to go on to the stand at High-street railway crossing to meet the 11 a.m. train from Newcastle on all days when sales of live stock are to take place at the sale-yards at Campbell's Hill; but no such driver shall on any occasion remain on such railway crossing stand for more than ten minutes after the departure of such train, and he shall then proceed on his journey with his vehicle to said sale-yards with his passengers, and at once return to the public stand at Regent-street and take up his position at the rear of the last vehicle on the said stand.

Made and passed by the Borough Council of West Maitland, this 12th day of August, A.D. 1887.

(L.S.) ROBERT JAMES PIERCE,
Mayor.
THOMAS HUGHES,
Council Clerk.

1887-S.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF BEGA—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 13.

Colonial Secretary's Office,
Sydney, 6th January, 1888.

MUNICIPAL DISTRICT OF BEGA.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Bega, under the "Nuisances Prevention Act 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAWS of the Municipal District of Bega, made under and for carrying into effect the provisions of the "Nuisances Prevention Act 1875." To amend certain of the By-laws at present in force within the Municipal District of Bega, and to further provide for carrying into effect the provisions of the "Nuisances Prevention Act 1875," within the said Municipal District.

From and after the passing of the following By-laws and the confirmation and publication thereof according to law, so much of the By-laws numbered 12 to 21, Part 4 inclusive, passed by the Council of the Municipal District of Bega, on the 1st day of May, 1884, as is or shall be repugnant to or inconsistent with the following By-laws, or any of them, shall be and the same is hereby repealed.

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall, before he shall commence to erect such closet, or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Municipal District of Bega a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence or erect any closet, or to form, excavate, or make any cesspit within the said Municipality without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Municipality or other officer for the time being appointed by the Council of the said Municipality in that behalf) he shall forfeit and pay a penalty of not more than five pounds.

2. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by the Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet, or to form, excavate, or make any such cesspit, without having obtained the approval of the said Inspector or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not more than forty shillings: Provided that no such closet shall be erected or cesspit formed within 15 feet of the boundary of the land of any other person without the written consent of the Council. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

3. Every cesspit to be constructed within the Municipal District of Bega shall be built of 9-inch brickwork, set in cement, floor as well as walls; and the top of such cesspit shall be at least 6 inches higher than the highest part of the surface of the ground immediately joining such cesspit; and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than 20 feet therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house, or at a less distance than 20 feet, area permitting, shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

4. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside and with a man-hole in the floor not less than 2 feet square, clear internal measurement, to be covered with a trap-door, and shall have ventilated holes $4\frac{1}{2}$ inches wide; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not more than two pounds.

5. Where two or more closets adjoin each other, there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not more than two pounds.

6. A separate closet shall be provided for each tenement; and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not more than five pounds.

7. For houses containing not more than four rooms and out-houses, the cesspit shall not be less than 3 feet by 4 feet and 5 feet deep, inside measurement; for houses containing more than four rooms and out-offices, the cesspit shall be not less than 3 feet 6 inches by 4 feet and 5 feet deep, inside measurement.

8. In schools, factories, or other places of business where a number of persons exceeding 12 shall ordinarily reside or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or

other place of business, and every person who shall offend against this By-law or fail to provide the number of closets, and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds.

9. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

10. Owners of existing closets and soil-pits may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these regulations on notice being given by the Inspector of Nuisances to that effect; persons failing to make such alterations or improvements within one month after the receipt of such notice shall be liable to a penalty not exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with the terms of said notice.

11. Persons desirous of using earth closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangements shall be approved by the Council.

12. Every earth closet now built, or hereafter to be built or placed on any premises, shall be kept provided with a suitable galvanized iron pail of the following dimensions, namely, 17 inches in diameter and 16 inches in depth, such pails to be provided by the Council and sold at cost price.

13. Every earth closet, whether already built or hereafter to be built, shall be provided with a box or earth compartment, and provided, where necessary, with a scoop for each occupant to throw in stored dry earth or ashes through the seat into the galvanized iron pail; and in case of any breach or neglect of this By-law, the owner and occupier of the premises respectively shall be liable to a penalty of not less than ten shillings nor more than five pounds.

14. If at any time the cesspit in any premises shall overflow or cease to be water-tight, the owner or occupier shall, within 24 hours, give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

15. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil collected thereon, but notwithstanding the permission to use such night-soil, if any nuisance shall arise therefrom he shall be liable to a penalty not exceeding five pounds nor less than ten shillings.

16. No person shall be at liberty, without the permission of the Council, to use on his premises any night-soil brought from elsewhere, and for every such offence he shall forfeit and pay a penalty not exceeding five pounds nor less than ten shillings.

17. The night-soil shall be removed by contract in properly constructed water-tight covered vehicles, between the hours of 11 p.m. and 5 a.m.

18. It shall be lawful for the said Council to grant licenses to nightmen, authorizing them to carry on the business of removing night-soil, and an annual fee of £2 shall be paid by such nightman in respect of each cart used by him in such work.

19. Licensed nightmen for the removal of night-soil shall, under the direction of the Inspector of Nuisances, make a trench or trenches on the depôts appointed for reception of night-soil, and shall deposit in such trench or trenches all night-soil which shall from time to time be taken to such depôt or depôts, and shall cover the whole of such night-soil with earth to a depth of 2 feet, and with disinfectants, so as to prevent any nuisance or offensive effluvia from arising therefrom; and any nightman or other person who shall deposit night-soil in other offensive matter on any such depôt otherwise than in such trench, or without covering and deodorizing the same in manner aforesaid, shall be liable to a penalty not exceeding five pounds.

20. No person shall empty, or aid or assist in emptying, whether entirely or only partially, any cesspit or dry-earth closet within the said Municipal District, without the authority in writing of the Council or of the Inspector of Nuisances or other officer appointed by the Council.

21. The said Council may from time to time appoint one or more depôts within the said Municipality, or other approved place for the reception of night-soil and other offensive matters; and any person depositing the contents or any part of the contents of any closet, privy, cesspool, cesspit, or night-soil pans, in or upon any place within the said Municipality other than such depôt or depôts as aforesaid, shall for each such offence be liable to a penalty not exceeding five pounds.

22. No person shall be permitted to cover up or cause to be covered up any existing cesspit with earth or other material, unless and until the same shall be properly emptied by the contractor with, or the servants of, the Council. Any person offending against this By-law shall be liable to a penalty not exceeding twenty pounds nor less than two pounds.

23. No surface drain shall be made in any footpath, nor any pipes laid under or across the same without the authority of the Council, and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall offend against this By-law, or any owner, occupier, or tenant from whose premises suds, offensive matter, slops, or filth shall flow over or on to any footway, watercourse, or street, shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

24. All expenses incurred by the Council in emptying any cesspit shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit is situated, within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way before any two Justices of the Peace.

25. The Inspector of Nuisances or other officer appointed by the Council on their behalf, shall furnish the Council with a monthly return, showing the number of cesspits emptied, the amount due and payable for each cesspit, and the amount of arrears due for emptying cesspits. He shall collect the amounts so due and payable, and account therefor to the Council at least once in every month, or as may be determined upon by such Council.

26. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorized by the Nuisances Prevention Act 1875 therein, on all days except Sundays and holidays, between the hours of 10 a.m. and 4 p.m.; and any person who shall hinder or obstruct any Inspector of Nuisances, or other officer as aforesaid, upon such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not more than five pounds nor less than ten shillings.

27. The owner or occupier of any premises within the Municipality, or any other person, who shall refuse or neglect to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding ten pounds.

28. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act 1875," shall have the like meaning assigned to them as are provided in the 4th section of the same Act.

Made and passed by the Council of the Municipal District of Beva, on the 16th day of September, in the year of our Lord one thousand eight hundred and eighty-seven.

(I.S.) MAGNUS J. PEDEN,
Mayor.

FRED. J. FILMER,
Council Clerk.

1887-8.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF HAMILTON.—AMENDED BY-LAWS.)

*Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.*Colonial Secretary's Office,
Sydney, 6th January, 1888.**MUNICIPAL DISTRICT OF HAMILTON.—AMENDED BY-LAWS.**

THE following amended By-laws, made by the Council of the Municipal District of Hamilton, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF HAMILTON.—AMENDED BY-LAWS.

THE following Amended By-laws have been made by the Municipal Council of Hamilton, for the better carrying out of the provisions of the "Nuisances Prevention Act, 1875," within the Municipal District of Hamilton. By-laws Nos. 9, 11, 13, 14, 16, 19 of the By-laws published in the Government Gazette of 23rd October, 1884, are hereby amended, and in lieu thereof the following By-laws shall stand as Nos. 9, 11, 13, 14, 16, 19 of the aforesaid By-laws:—

9. The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for night-soil, shall be removed in properly constructed water-tight carts, approved of by the Council, by persons who have been duly authorized and licensed for the performance of such work by the said Council; and no person shall be allowed to perform such duties of nightman without having first obtained a license from the said Council; and any person infringing this part of the By-laws shall on conviction thereof be subject to a penalty for every such offence of not less than twenty shillings nor more than five pounds.

11. The occupier of every house, building, or tenement within the said Municipal District shall cause every cesspit, cesspool, or privy therein to be emptied and cleansed from time to time, as soon as any portion of the contents of such shall have so accumulated therein as to be within a distance of six inches from the top of such receptacle or cesspit, or sooner on complaint being made and notice given by the said Council's duly appointed officer for the removal of such night-soil: Provided that the contents of any cesspool, cesspit, privy, or closet-pan shall not be removed or discharged therefrom except by such nightman duly authorized or licensed as such by the aforesaid Council, and only between the hours of 11 o'clock p.m. and 5 o'clock a.m. No cesspool, cesspit, or privy shall have connected therewith or attached thereto any pipe or other appliances capable of being used for the purpose of discharging or removing the contents of such cesspool, cesspit, or privy upon or under the surface of any adjoining ground, or into any drain or sewer, or into any other place or places whatsoever. Any person or persons wilfully violating this part of the By-laws in any respect shall be liable to and forfeit and pay a penalty of not less than twenty shillings nor more than ten pounds.

13. Licensed nightmen for the removal of night-soil shall, under the direction of the Inspector of Nuisances for the time being, or their officer or officers appointed by the said Council, make a trench on the depôts fixed upon by the said Council, for

the purpose of depositing therein all night-soil that shall from time to time be taken thereto; and the whole of such night-soil shall, as deposited, be covered with earth and disinfectants, so as to prevent any nuisance to arise therefrom; and any nightman or other person who shall deposit night-soil, either on the appointed depôt or other land within the said Municipal District, without covering or otherwise deodorizing the same, shall be liable to a penalty of not less than twenty shillings nor more than ten pounds.

14. Every cesspool, cesspit, or earth-closet shall be in such a position that the same may be emptied without the contents thereof being carried through any part of any dwelling-house; and any person or persons having or building any cesspool or cesspit contrary to this part of the By-laws shall be liable to a penalty of not less than twenty shillings nor more than five pounds.

16. Any person or persons who intend to construct any privy or closet shall give notice in writing to the Inspector of Nuisances for the time being of their intention so to do; and the said Inspector shall within forty-eight (48) hours inspect the premises on which such is intended to be constructed, and, if in accordance with these By-laws and the Nuisances Prevention Act, shall give the necessary permission for the construction of such closet. Any person constructing a closet or other receptacle for the deposit of night-soil without giving such notice and receiving such permission shall upon conviction be liable to a penalty of not less than twenty shillings nor more than ten pounds.

19. Every person guilty of a breach of any of the provisions of the foregoing By-laws shall be liable for every such offence, when not otherwise expressly provided for, to a fine or penalty not exceeding twenty pounds nor less than twenty shillings.

Made and passed by the Municipal Council of the Municipal District of Hamilton, this seventh day of September, in the year of Lord one thousand eight hundred and eighty-seven.

(L.S.) FRANCIS WILLIAM REAY,
Mayor.
JAMES RAY,
Council Clerk.

1887-8.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF LISMORE—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.Colonial Secretary's Office,
Sydney, 8th February, 1888.**LISMORE MUNICIPALITY.—BY-LAWS.**

THE following By-laws, made by the Council of the Municipal District of Lismore under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.**LISMORE MUNICIPALITY.—BY-LAWS UNDER THE NUISANCES PREVENTION ACT, 1875.**

THE Council of the town of Lismore do, by virtue of the authority vested in them by the "Nuisances Prevention Act, 1875," hereby make and establish the following By-laws for the regulation of nuisances within the town boundaries, gazetted 2nd October, 1886, of the Municipality of Lismore, and generally for carrying into effect the provisions and purposes of the said Act, and declare that the same shall, on and after the 1st day of July, 1888, stand in the place and instead of the By-laws heretofore in force, gazetted 25th March, 1885, which By-laws so dated heretofore shall on the 1st July, 1888, be hereby repealed:—

1. That underground cesspools for the reception of night-soil, being injurious to the public health, shall be done away with, and any existing underground cesspits shall, therefore, be emptied, and be filled up with dry earth and quick lime, on or before the 1st day of July, 1888. Any person refusing or neglecting to empty or fill up any such cesspit, in accordance with this By-law, shall be liable to a penalty not exceeding ten pounds nor less than five pounds.

2. On and after the first day of July, 1888, no person or persons shall dig, make, or construct, or cause, or permit to be dug, made, or constructed, on any premises within the town boundaries of the Municipality, any open closet or cesspit for the deposit of faecal matter; and all closets or privies, from and after the said date, shall be constructed and made on the dry earth system only; and any person or persons offending against any of the provisions of this By-law shall be liable to a penalty not exceeding ten pounds nor less than one pound.

3. No person shall cover up, or cause or permit to be covered or filled up, any existing cesspit with earth or other material, unless and until the same shall be properly emptied, and also inspected by the Inspector of Nuisances; and any person or persons offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

4. A separate closet shall be provided for every tenement. In schools and factories, where a number of persons shall attend or be employed, separate closets, with a door to fasten on the inside, shall be provided for each sex, and a separate closet shall be provided for every twenty persons so attending or employed. In hotels a separate closet for every ten bedrooms shall be provided. All closets hereafter to be built shall be constructed of 4½-inches brickwork or approved sawn timber. Where two or more closets adjoin each other, there

shall be a dividing brick wall between each, of not less than 4½ inches in thickness, to effect a complete separation; and any person offending against any of the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds, and a like penalty for every succeeding seven days.

5. Every closet shall be built at least 7 feet high from the floor to the wall-plate of the roof, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, internal measurement, and shall be provided with a door capable of being fastened from the inside, and shall have ventilating pipes or holes 4½ inches wide, or a louver, under a penalty not exceeding five pounds nor less than one pound.

6. Every earth closet, whether already built or hereafter to be built, shall be provided with a box or earth compartment, and provided where necessary with a scoop for each occupant to throw in stored dry earth or ashes through the seat into the iron pan or pail, and shall have a supply of dry earth or ashes constantly in or within easy access of such closet; and in case of any breach or neglect of this By-law the occupier or owner of the premises respectively shall be liable to a penalty of not less than one pound nor more than ten pounds.

7. If in the opinion of the Inspector of Nuisances, any alteration is required in existing cesspits or closets, he shall report the same to the Council, which shall determine what alteration is necessary for the preservation of health or decency; and such alteration shall forthwith be made by the owner or occupier of the premises after receiving seven days' notice to that effect, under a penalty of not exceeding five pounds nor less than two pounds.

8. If at any time the earth closet pan in any premises shall overflow or become a nuisance, the owner or occupier shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

9. All closets shall be supplied with iron pans; each pan shall be supplied with two side handles, and shall not be more than sixteen to eighteen inches in depth, and not more than seven inches in diameter, and of the pattern to be approved by the Council; such pans to be kept in good order, to the satisfaction of the Inspector of Nuisances. Any owner or occupier committing a breach of this By-law shall be liable to a penalty of not more than two pounds nor less than ten shillings.

10. No person shall be permitted to connect any closet with any drain, watercourse, or sewer without the sanction of the Council; and any person so offending shall be liable to a penalty not exceeding twenty pounds nor less than one pound.

11. The night-soil shall be removed by contract in properly constructed carts, between such hours as the Council shall determine, and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed depôt, and shall dispose of the same as directed. For any breach of the conditions of this By-law he shall be liable to a penalty not exceeding twenty pounds nor less than five pounds.

12. If the night-soil or any portion thereof shall be sold or given away by the Council, the person removing the same shall do so only at such times and in such manner as not to cause a public nuisance; and the person purchasing or obtaining it, and so dealing with or disposing of it as to cause a nuisance, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

13. The Inspector of Nuisances shall have power to visit and inspect any premises on any lawful day, between the hours of 10 a.m. and 4 p.m.; and any person refusing admittance, or obstructing or hindering such inspector in the discharge of his duty, shall incur a penalty not exceeding five pounds nor less than one pound.

14. No closet shall be erected, or commenced to be erected, except in such place or position as shall be approved by the Council or the Inspector of Nuisances; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

15. When any new building is about to be constructed, the builder or builders thereof shall first erect, or cause to be erected, on the premises, a temporary closet, not less than three feet by two feet six inches, for the use of workmen employed in the construction of the new building, provided there is no other suitable accommodation upon the premises; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

16. The place of deposit shall be in such locality as may from time to time be determined upon by the Council.

17. Persons requiring their closets emptied shall send written notice to the Council or the Inspector of Nuisances (unless otherwise provided for); and any person wishing to use the refuse from any earth-closet shall be at liberty to do so by making proper provision for emptying the same to the satisfaction of the Inspector of Nuisances; and any person causing a nuisance from the careless use of such pan or its contents shall be liable to a penalty not exceeding five pounds nor less than one pound.

18. No person shall use, or permit to be used, on the premises occupied or used by him or her, any night-soil which shall have been brought from any other premises, unless written permission so to do shall have been first obtained from the Municipal Council or the Inspector of Nuisances of the Municipality; and any person offending against any of the provisions of this By-law shall be liable on conviction to a penalty of not less than two pounds nor more than five pounds.

19. The Inspector of Nuisances, or other properly appointed officer of the Council, shall have power to visit at all times all night-soil depôts or places at which night-soil may be deposited, for the purpose of inspecting the same; and any person or persons interfering with, obstructing, or resisting the above-named officer in the execution of his duty shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

20. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to construct new or alter existing closets, to enable the inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; and closets constructed without such notice being given must be removed or altered, if judged necessary by the Council, under a further penalty not exceeding ten pounds nor less than ten shillings.

21. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances.

22. All notices required to be given under these By-laws shall be signed by the Council Clerk of the Municipality of Lismore for the time being, and may be served personally on the person for whom such notice is intended, or left at his last known place of abode or business in Lismore, or sent through the post addressed to such person at such last known place of abode or business in Lismore aforesaid.

Made and passed by the Council of the Municipal District of Lismore, this twenty-first (21st) day of November, in the year of our Lord one thousand eight hundred and eighty-seven.

(L.S.) LUDWIK BERNSTEIN,
Mayor.

ST. HELIER PEARD, Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF NEWCASTLE—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 13.

Colonial Secretary's Office,
Sydney, 25th October, 1887.

BOROUGH OF NEWCASTLE.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Newcastle, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Act.

HENRY PARKES.

BY-LAWS under the Nuisances Prevention Act of 1875.

THE Council of the Borough of Newcastle do, by virtue of the authority vested in them by the Nuisances Prevention Act of 1875, hereby make and establish the following By-laws for the regulation of nuisances within the City of Newcastle, and generally for carrying into effect the provisions and purposes of the said Act, and declare that the same shall, on and after 1st January, 1889, stand in the place and instead of the By-laws heretofore in force, gazetted 17th July, 1882, which By-laws so dated heretofore shall on 1st January, 1889, be hereby repealed.

1. That every underground cesspool for the reception of night-soil is injurious to the public health, and shall therefore be emptied and be filled up with dry earth and quicklime; and after notice to that effect any person offending against the provisions of this By-law shall be liable to a penalty not exceeding ten pounds nor less than five pounds.

2. On and after the first day of January, one thousand eight hundred and eighty-nine, no person or persons shall dig, make, or construct, or cause or permit to be dug, made, or constructed on any premises within the Municipality any open closet or cesspit for the deposit of faecal matter, and all closets or privies from and after the said date shall be constructed and made on the dry earth system only; and any person or persons offending against any of the provisions of this By-law shall be liable to a penalty not exceeding ten pounds nor less than one pound.

3. No person shall cover up, or cause or permit to be covered or filled up, any existing cesspit with earth or other material unless and until the same shall be properly emptied and also inspected by the Inspector of Nuisances; and any person or persons offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

4. A separate closet shall be provided for every tenement. In schools and factories, where a number of persons shall attend or be employed, separate closets, with a door to fasten on the inside, shall be provided for each sex; and a separate closet shall be provided for every twenty persons so attending or employed. All closets hereafter to be built shall be constructed of $4\frac{1}{2}$ inches brickwork or approved sawn timber. Where two or more closets adjoin each other, there shall be a dividing brick wall between each of not less than $4\frac{1}{2}$ inches

in thickness to effect a complete separation; and any person offending against any of the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds, and a like penalty for every succeeding seven days.

5. Every closet shall be built at least 7 feet high from the floor to the wall-plate of the roof, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, internal measurement; and shall be provided with a door capable of being fastened from the inside, and shall have ventilating pipes or holes $4\frac{1}{2}$ inches wide, or a louvre, under a penalty not exceeding five pounds nor less than one pound.

6. Every earth closet, whether already built or hereafter to be built, shall be provided with a box or earth compartment, and provided, where necessary, with a scoop for each occupant, to throw in stored dry earth or ashes through the seat into the iron pan or pail, and shall have a supply of dry earth or ashes constantly in or within easy access of such closet; and in case of any breach or neglect of this By-law the occupier or owner of the premises respectively shall be liable to a penalty of not less than one pound nor more than ten pounds.

7. If, in the opinion of the Inspector of Nuisances, any alteration is required in existing cesspits or closets, he shall report the same to the Council, which shall determine what alteration is necessary for the preservation of health or decency, and such alteration shall forthwith be made by the owner or occupier of the premises after receiving seven days' notice to that effect, under a penalty of not exceeding five pounds nor less than two pounds.

8. If at any time the earth closet pan in any premises shall overflow or become a nuisance, the owner or occupier shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

9. All closets shall be supplied with two iron pans; each pan shall be supplied with two side handles, and shall not be more than sixteen to eighteen inches in depth, and not more than seventeen inches in diameter, and of the pattern to be approved by the Council, such pans to be kept in good order to the satisfaction of the Inspector of Nuisances. Any owner or occupier committing a breach of this By-law shall be liable to a penalty of not more than two pounds nor less than ten shillings.

10. No person shall be permitted to connect any closet with any drain, water-course, or sewer without the sanction of the Council, and any person so offending shall be liable to a penalty not exceeding twenty pounds nor less than one pound.

11. The night-soil shall be removed by contract in properly constructed carts, between such hours as the Council may determine, and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed depôt, and shall dispose of the same as directed. For any breach of the conditions of this By-law he shall be liable to a penalty not exceeding twenty pounds nor less than five pounds.

12. If the night-soil or any portion thereof shall be sold or given away by the Council, the person removing the same shall do so only at such times and in such manner as the Council may direct, and shall dispose of the same so as not to cause a public nuisance, and the person purchasing or obtaining it, and so dealing with or disposing of it as to cause a nuisance, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

13. The Inspector of Nuisances shall have power to visit and inspect any premises on any lawful day, between the hours of 10 a.m. and 4 p.m.; and any person refusing admittance or obstructing or hindering such inspector in the discharge of his duty shall incur a penalty not exceeding five pounds nor less than one pound.

14. No closet shall be erected or commenced to be erected, except in such place or position as shall be approved by the Council or the Inspector of Nuisances, and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

15. When any new building is about to be constructed, the builder or builders thereof, shall first erect or cause to be erected on the premises, a temporary closet, not less than 3 feet by 2 feet 6 inches, for the use of workmen employed in the construction of the new building: Provided there is no other suitable accommodation upon the premises; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

16. The place of deposit shall be in such locality as may from time to time be determined upon by the Council.

17. Persons requiring their closets emptied shall send written notice to the Council or the Inspector of Nuisances (unless otherwise provided for); and any person wishing to use the

refuse from any dry earth closet shall be at liberty to do so by making proper provision for emptying the same to the satisfaction of the Inspector of Nuisances; and any person causing a nuisance from the careless use of such pan or its contents shall be liable to a penalty not exceeding five pounds nor less than one pound.

18. No person shall use, or permit to be used, on the premises occupied or used by him or her, any night-soil which shall have been brought from any other premises, unless written permission so to do shall have been first obtained from the Municipal Council or the Inspector of Nuisances of the Municipality; and any person offending against any of the provisions of this By-law shall be liable on conviction to a penalty of not less than two pounds nor more than five pounds.

19. The Inspector of Nuisances, or other properly appointed officer of the Council, shall have power to visit at all times all night-soil depôts or places at which night-soil may be deposited, for the purpose of inspecting the same; and any person or persons interfering with, obstructing, or resisting the abovesaid officer in the execution of his duty, shall be liable to a penalty not exceeding two pounds.

20. Written notice must be given to the Council or the Inspector of Nuisances, by all persons about to construct new or alter existing closets, to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; and closets constructed without such notice being given must be removed or altered, if judged necessary by the Council, under a further penalty not exceeding ten pounds nor less than five shillings.

21. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances.

Made and passed by the Council of the Borough of Newcastle, this fourth day of July, in the year of our Lord one thousand eight hundred and eighty-seven.

(L.S.) GEORGE W. WEBB,
Mayor.

EDWARD S. HOLLAND,
Town Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF ST. PETERS—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office, Sydney, 23rd July, 1887.

MUNICIPAL DISTRICT OF ST. PETERS.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of St. Peters, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

ST. PETERS MUNICIPALITY.—BY-LAWS.

1. That on and after Friday, the 1st day of July, 1887, all closets erected within the Municipality of St. Peters shall be constructed as dry earth closets.

2. No closet shall be erected except in such position as shall be approved of by the Council or the Inspector of Nuisances, or other officer appointed by the Council: Provided that where practicable no closet shall be formed within twenty feet of any house or factory.

3. Every person about to erect a closet shall, before he commence any such work, give to the Council seven days' notice in writing of his intention, and of the proposed position of such closet; and in default thereof, or in case of his commencing such work without such notice, be liable to a penalty not exceeding five pounds or less than one pound.

4. In places where lanes shall be at rear of premise the closets shall be erected on the boundary of their property, and the trap-door shall open on to lane for the purpose of emptying such closets; and in all cases the opening for removing and receiving such pans shall be not less than fifteen by fifteen inches (15" x 15").

5. If any alteration to any existing closet shall, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in that behalf, be requisite for preserving public health and decency, the Council, upon complaint of Inspector, adjudge such closet to be injurious to health or opposed to decency by exposure or otherwise, the Inspector shall give the owner or occupier notice in writing to make such

alterations as may therein be stated, so that the closet shall be brought into conformity with these By-laws; and if such owner or occupier shall not comply with the terms of such notice within twenty-one days after the same shall be served upon him or her (which service may be effected by leaving the same with him or her personally, or upon the premises with any adult person), he or she shall be liable to a penalty not exceeding five pounds, and a like penalty for every succeeding seven days during which such owner or occupier shall fail to comply with the terms of this notice.

6. All earth-closets or other receptacles wherein night-soil may be deposited shall be kept in such a state of decency and cleanliness so as not to be a nuisance or offensive to neighbouring householders or residents, under a penalty of not less than one pound nor more than ten pounds sterling.

7. All pans shall be of the uniform size of fourteen inches by fourteen inches by eighteen inches (14" x 14" x 18"). Persons requiring pans must apply to the Council for same, in writing.

8. Every person guilty of a breach of any of the provisions of the foregoing By-laws shall be liable for every such offence (when not otherwise expressly mentioned) to a fine or penalty of not more than six pounds (£6) or less than one pound (£1)

Made and passed by the Council of the Municipality of St. Peters, this the 16th day of May, 1887, and the corporate seal of the Municipality affixed hereto.

(L.S.) WILLIAM WALMSLEY,

Mayor.

AND. T. GIBSON, Council Clerk.

1887-8.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF NORTH WILLOUGHBY—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 20th July, 1888.

BOROUGH OF NORTH WILLOUGHBY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of North Willoughby, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS for the Borough of North Willoughby, for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, before he shall commence any work, shall give to the Council Clerk seven days' notice in writing of his intention, and of the proposed position of such closet or cesspit; and in case of his commencing such work without having given such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds.

2. No closet shall be erected, or cesspit formed, excavated, or made except in such position as shall be approved of by the Inspector of Nuisances of the said Borough, or other officer for the time being appointed by the Council of the said Borough in that behalf; and every person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds; but any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

3. Every cesspit within the said Borough shall be 4 feet by 4 feet internal measurement, and 4 feet deep, with a fall of 3 inches to back part of cesspit, which is to be 5 feet deep for 2 feet by 4 feet below the ground surface; and any person making a cesspit contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

4. Every cesspit within the said Borough shall have a man-hole outside and at back of closet 2 feet by width of pit. The cover of the same shall be made to fit tight. In no case shall there be more than 18 inches by 4 feet of cesspit inside of closet. The floor of closet to be cemented up to front of riser, and all seats to have a flap hung on hinges to cover hole. The whole to be done to the satisfaction of the Inspector of Nuisances. And any person having or making a cesspit contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

5. The walls of every cesspit shall be built of brick or stone of a thickness of not less than 9 inches, and shall be built in cement floors as well as walls, and rendered $\frac{3}{4}$ of an inch thick, with cement inside in such manner as to make it perfectly watertight; and every person having or constructing a cesspit contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

6. No cesspit shall be built under any dwelling-house, nor at a less distance than 20 feet, area permitting, therefrom; and any person having or building a cesspit contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

7. Every closet having a cesspit shall be built with walls not less than 7 feet high, and shall not be less than 3 feet 6 inches by 4 feet 6 inches internal measurement, and shall be provided with a door capable of being fastened from the inside; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

8. Where two or more closets adjoin each other there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit through the roof of the closet, so as to effect a complete separation; and every person having or building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

9. The top of every cesspit shall not be less than 6 inches higher than the highest part of the ground immediately adjoining it; and every person having or building a cesspit contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

10. A separate closet shall be provided for every tenement, and a breach of this By-law shall make persons using a joint closet liable to a penalty of not less than one pound nor more than five pounds.

11. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside or be occupied or employed, one closet at least shall be provided for every thirty persons, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of any such schools, factories, or other places of business who shall be guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

12. Every cesspit shall be built in such position that the same may be emptied without the contents thereof being carried through any dwelling-house; and every person having or making, forming, or excavating a cesspit contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

13. The place of deposit of night-soil shall be in such locality as may be from time to time determined upon by the Council of said Borough.

14. Persons desirous of using earth closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangements shall be approved of by the Council.

15. Owners of existing closets and soilpits may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these Regulations, on notice being given by the Inspector of Nuisances to that effect. Persons failing to make such alterations or improvements within one month after receipt of such notice shall be liable to a penalty of not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with the terms of said notice.

16. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein through or in any street or public place within the said Municipality, between the hours of 5 o'clock in the morning and 11 o'clock at night, or who shall fill any cart or other carriage so as to run over or leak, or cast any night-soil or ammoniacal liquor, slops, or filth in or upon any portion of the Borough, or who shall deposit night-soil or other offensive matter as enumerated on any spot within the said Borough without permission from the Council, or who shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles, or who

shall cause any vehicle used for such purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or Inspector of Nuisances, shall for every such offence forfeit and pay a sum not exceeding five pounds and not less than one pound; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such vehicle in which such night-soil or other offensive matter shall have been put or placed, and also the employer of the person so offending, shall be liable to pay such penalty as aforesaid.

17. Upon complaint being lodged with the Inspector of Nuisances that the yard, closets, or drains of any premises is or are a nuisance or offensive, and, after inspection, such shall be found to be the case, notice shall be given in writing to the proprietor or tenant of such premises to remove or abate such nuisance within twenty-four hours after such notice; and if after such notice the nuisance shall not be removed or abated, the proprietor or tenant of the said premises shall be liable to a penalty not exceeding forty shillings nor less than ten shillings.

18. The said Council may recover such sums for the emptying of cesspits or earth closets as may be decided upon from time to time by resolution of the said Council.

Passed by the Municipal Council of the Borough of North Willoughby, on the 19th day of March, 1888, and the Corporate Seal attached.

(L.S.) ALEXANDER SIMPSON,
Mayor.
JAMES ANDERSON,
Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF WOOLLAHRA—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.Colonial Secretary's Office,
Sydney, 17th September, 1887.**WOOLLAHRA MUNICIPALITY.—AMENDED BY-LAW.**

THE following Amended By-law, made by the Council of the Borough of Woollahra, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES

BOROUGH OF WOOLLAHRA.

AMENDED BY-LAW passed by the Borough Council of Woollahra on the 11th July, 1887.

THAT By-law No. 1 of the By-laws for the Borough of Woollahra for carrying into effect the provisions of the "Nuisances Prevention Act, 1875," be, and is hereby repealed, and the following By-law substituted in lieu thereof:—"Every person about to erect a closet or form a cesspit shall, before he shall commence such work, give to the Council Clerk seven days' notice in writing of his intention and of the proposed position of such closet or cesspit, and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds. And no cesspit shall be constructed in connection with any house now or hereafter to be built until the permission of the Council shall have been obtained for that purpose; and any person constructing any cesspit without such permission shall be liable to a further penalty not exceeding five pounds."

(L.S.) W. J. TRICKETT,
Mayor.C. A. VIVIAN,
Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(BOROUGH OF ARMIDALE—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office, Sydney, 29th September, 1887.

ARMIDALE BOROUGH COUNCIL.—BY-LAWS.

THE following By-laws made by the Council of the Borough of Armidale, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

ALL existing By-laws of the Council of the Borough of Armidale are hereby repealed.

PART I.

Regulating their own proceedings and the duties of their officers and servants, and preserving order at Council meetings.

Meetings of the Council.

1. The ordinary sittings of the Council shall be on the second and fourth Tuesdays in every month, at the hour of half-past seven o'clock p.m., unless such day shall be a public holiday. In that case the meeting shall be held on such other day as the Mayor shall appoint.

Election of Chairman in absence of Mayor—Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of thirty minutes after the time appointed for holding such meeting the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the Minute Book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes except as to whether they are correct.
2. Correspondence to be read and orders made thereon, if expedient.
3. Petitions (if any) to be presented.
4. Reports from Committees and minutes from the Mayor (if any) to be presented and orders made thereon.
5. Payments.
6. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts,

matters, or circumstances requiring attention by the Council or any of the Committees or Officers to be made.

7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper. Provided that it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section. And also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Alderman at whose instance the special meeting shall be called may have directed.

Business paper for ordinary meeting—how prepared.

5. The business paper for every meeting of the Council other than a special meeting shall be made up by the Council Clerk not less than forty-eight hours before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 4 of this part of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper, so noted, shall be a record of the Council.

Notices of motion, &c., to be numbered as received and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at the then, next, or any future meeting, shall be numbered by the Council Clerk as they are received. And each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 4 of this part of the By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions—how to be moved.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

10. No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing, and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion the effect of which, if carried, would be to rescind any motion which has already been passed by the Council shall be entered upon the business paper unless a call of the whole Council has been duly made and granted for that purpose.

Amendment may be moved.

13. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of. If an amendment be carried the amendment shall become the question before the Council, whereupon any further amendment may be moved.

Petitions and correspondence.

15. The Council may at any meeting resolve without previous notice that any petition be received, and that the same, or any correspondence read, be referred to a committee to report, or that requests contained therein be granted.

Mayor to preserve order.

16. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

17. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decision on points of order final.

18. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of the Council as to laying down general rules, &c.

19. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may by motion respectfully worded invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may hereafter arise. Any rule or principle thus laid down shall be binding on all parties, unless and until it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

20. The Mayor may take part in all the proceedings of the Council or Committees thereof.

Questions put by Mayor.

21. The Mayor or other Chairman shall put all questions, first in the affirmative and then in the negative (provided that where an amendment is moved to any motion the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to pre-audience of Aldermen.

22. If two or more Aldermen rise to speak at the same time the Mayor or other Chairman shall decide which of them shall be entitled to pre-audience.

Aldermen to stand while speaking, &c.

23. Every Alderman shall stand while speaking, and shall address the Chair. And all members of the Council shall on all occasions when in such Council address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

No Alderman to speak twice on the same question or amendment except in committee.

24. No Alderman shall speak twice on the same question unless in committee, or in explanation where he shall have been misrepresented or misunderstood, and then only by leave of the Mayor or Chairman: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

25. No Alderman shall digress from the matter under discussion, or make personal reflections on, or impute motives to, any other Alderman, or speak on any question more than fifteen minutes.

Aldermen using offensive expressions to apologize.

26. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council. And if any Alderman shall refuse to withdraw such language and apologize he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings nor more than five pounds.

Debate may be adjourned.

27. A debate may be adjourned to a later hour of the same day, or to another day.

Pre-audience on resumption of debate.

28. The Alderman upon whose motion any debate shall be adjourned shall be entitled to pre-audience on resumption of the debate.

Adjournments.

29. Any motion for adjournment of the Council, if seconded, shall be immediately put without discussion; but if such motion be negatived it shall not be competent for any Alderman to make a similar motion until fifteen minutes shall have elapsed.

Any Alderman may divide Council.

30. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in committee of the whole Council, and no Alderman shall leave his seat or place till the names of the Aldermen, and how voting, shall have been taken down by the Council Clerk, or person officiating for him.

Divisions to be entered on minutes.

31. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

32. Any Alderman may require the question or matter under discussion to be read once for his information, or may require the production of any records of the Council bearing upon any such question or matter, and upon such request the question or matter under discussion shall be read. But no such requisition shall be made so as to interrupt any Alderman while speaking.

Mode of proceeding in cases not provided for.

33. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Lapsed questions, &c.

34. If a debate, or any motion moved and seconded, be interrupted by the number of the members present becoming insufficient for the transaction of business, such debate may be resumed at the point where it was interrupted, or upon motion by notice.

35. If a debate upon any order of the day be interrupted by such insufficiency of numbers as aforesaid happening, such order may be restored to the notice paper for a future day, on motion upon notice, and then be resumed at the point where it was so interrupted.

Committees.

36. Besides such select and special committees as may from time to time be found necessary, there shall be standing committees, namely—a Finance Committee, a Public Works Committee, a Lighting Committee, a Library Committee, and a Committee of General Purposes.

37. The standing committees shall consist of four members, two to form a quorum. Every committee of which the Mayor of the Borough is not a member, before proceeding to other business, shall choose its chairman. If the chairman of a committee shall cease to be a member of the Council, or shall decline to act further as such chairman, a new chairman shall be chosen before any further business is entered upon.

38. When the report of a select committee is brought up and presented to the Council the question as to its reception may be moved and put at once; but it shall not be adopted or taken into consideration without notice in the usual way.

39. Every committee shall have a right to take evidence upon any question or questions of fact wherein it is the duty of such committee to report. A minute of the evidence thus taken, or of its substance, must, however, in all cases be appended to the committee's report.

40. Minutes of all proceedings of Committees, as well as their reports, numbered in executive order, shall be entered in the Committee's Minute Book, and being signed by the Chairman of the Committee, or in his absence by some other member of the Committee, shall be delivered by him to the Council Clerk twenty-four hours previous to the meeting of the Council when such report is to be brought up.

41. The Chairman of every Committee shall have the right, without asking leave of the Council, to remove from the Council Chambers for any space of time not exceeding sixty hours, any book, document, or paper, other than the Minute Book, either for inspection by such Committee, or for reference in preparation of the report. In all such cases, however, he shall deliver to the Council Clerk an acknowledgment under his hand of having received such book, document, or paper, and shall be held responsible for the safe keeping of the same.

42. The Standing Committees shall be appointed within one month after the commencement of the municipal year.

43. Any Alderman moving for a Select Committee may propose certain Aldermen as members of the same; or he may simply state the nature of such intended Committee, leaving the selection to be made by ballot.

44. Every Alderman proposing the appointment of a Select Committee must name himself as one.

45. The appointment of every Special Committee shall continue until the specified duty for which it has been appointed shall have been discharged.

46. Before any proposed By-law is discussed in Council a copy thereof shall be open for public inspection in the office of the Corporation not less than seven days.

47. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

48. No matters of account shall be disposed of by the Council until they have been examined and reported upon by the Finance Committee.

49. No payments out of the funds of the Corporation shall be made but such as are authorized by a vote of the Council: Provided always, that the Mayor, with the assent of any two members of the Committee of Public Works, may, in cases of emergency, authorize the expenditure of any sum not exceeding three pounds (£3), but such discretionary expenditure shall be reported to the Council at its next meeting.

Finance Committee.

50. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Public Works Committee.

51. The Public Works Committee, as such, shall have the general inspection of all public works in progress throughout the Borough, and shall have the right of calling the attention of the Council by report to any matter connected with such works, or with the state of any public thoroughfare which may seem to require such attention, or which they may be directed by resolution of the Council to inquire into and report upon.

52. No public works involving a probable expenditure of more than thirty pounds (£30) shall be undertaken until the Public Works Committee have reported to the Council an estimate of the cost thereof.

53. All accounts against the Corporation relating to works shall be examined by the Public Works Committee, and such as are found correct shall be certified and passed by the Finance Committee.

Lighting Committee.

54. The Lighting Committee shall, once at least in each municipal year, make an inspection of the Borough, and shall recommend the erection of any additional public lamps they may consider necessary, or the removal of any existing lamps, and shall submit their report to the Council in writing.

Library Committee.

55. The Library Committee shall have general control of the Public Library, and shall, once at least in each year, submit to the Council a written report upon the same as to its efficacy, usefulness, and the manner in which it is conducted, and may also recommend the purchase of additional books or any other matter or thing they have reason to consider will be of benefit.

General Purposes Committee.

56. All matters which the Council shall think fit to refer to a Committee, and which do not fall within the province of any other Standing Committee, shall be referred to the Committee of General Purposes: Provided, however, that the Council may at any time refer such matters to a Committee appointed for that particular purpose.

Special Committees.

57. Special Committees may consist of any number, and may be appointed for the performance of any duty which may be lawfully entrusted to a committee, and for which, in the opinion of the Council, a special committee ought to be appointed. And no standing committee shall interfere with the performance of any duty which may for the time have been entrusted to any such special committee. The appointment of every such special committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such special committee. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such committee, or he may propose that such committee consist of a certain number of members to be appointed by ballot; or an amendment to the effect that such special committee be appointed by ballot may be carried.

Rules to be observed in Committee.

58. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Petitions.

59. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council, and that the contents do not violate any By-law or any provision thereof.

60. Every Alderman presenting a petition to the Council shall write his name at the beginning thereof.

61. Every petition shall be in writing and not printed or lithographed, and shall contain the prayer of the petitioners at the end thereof, and be signed by at least one person on every skin or sheet upon which it is written.

62. Every petition shall be signed by the persons whose names are appended thereto, by their names or marks, and by no one else, except in cases of incapacity by sickness; and all such signatures shall be received as the signatures of the parties purporting to sign the same, without proof thereof.

63. No letters, affidavits, or other documents shall be attached to any petition.

64. Every Alderman presenting a petition to the Council shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof.

Member or Officer of Council not to be surety.

65. In cases where surety is required by the Municipalities Act it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

66. The Council Clerk shall attend at the office of the Council for the purpose of transacting the ordinary business of the Council, on every Tuesday, from 10 o'clock a.m. to 3 o'clock p.m.

67. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the borough under the provisions of the said Municipalities Act; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of the Mayor.

Custody of records, seal, &c.

68. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers, or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used except with the signature of the Mayor, or, in case of absence or illness of the Mayor, of two Aldermen, and countersigned by the Council Clerk.

Bonds for good conduct and deeds of real and personal estate.

69. All bonds given by officers or servants of the Council for the faithful performance of their duties, and deeds of real and personal estate, shall be deposited with the bankers of the Corporation, as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Records, &c., not to be defaced or altered.

70. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, book, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds nor less than five pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

Nor removed.

71. Any person who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal, charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council first had and obtained, shall, on conviction thereof, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds, and for every subsequent offence a penalty of not less than five pounds nor more than fifty pounds.

Duties of other officers and servants.

72. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be fixed by the Council.

Special powers of Mayor.

73. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant, as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record, as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either recorded *viva voce* or put into writing, as the Mayor may direct.

Duties of Mayor as to correspondence.

74. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by By-section 65 of the By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the correspondence to be read, and to the order thereof, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman, providing that should any correspondence not be read the same may be moved for by motion upon notice.

Statement of accounts.

75. Not later than the months of March and September in each year the Mayor shall lay before the Council the accounts for the previous half-year duly audited; but should any auditor who has, by letter addressed to the Council Clerk, accepted that office not attend for the purpose of auditing the accounts when required by authority of the Mayor to do so (unless prevented from attending by illness, or other reason satisfactory to the Council), or refuse to certify to the correctness of the account, unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

How complaints against officers, &c., are to be dealt with.

76. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such com-

plaint be made to the Council or to any member or officer thereof it shall be referred to or investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council. Provided that every report, explanation, and information which may be made or rendered in reference to every such complaints shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith. And such complaint, with all reports, explanations, and information as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded. Provided further that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Leave of absence.

77. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council.

Mode of calling for tenders.

78. Whenever it is decided that any work shall be executed, or any material supplied, by contract, tenders for the execution of such work, or the supply of such material, shall be called for by public notice, as hereinafter provided.

Suits and prosecution for penalties, &c.

79. Such suits or information for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely—When against a member of the Council, or an auditor, or any officer of the Corporation, by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought or information laid as aforesaid against any member of the Council, or auditor, except by the order of such Council; nor shall any similar proceeding be taken against any officer of the Council except on the order of such Council, or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid, as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information the same shall have been dismissed on its merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

How notices are to be published.

80. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, or regulation done, made, or passed, or proposed to be done, made, or passed by the Council, or by any committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, or by advertising the same once in some newspaper circulating in the Borough.

PART II.

Determining the time and modes of collecting and enforcing payment of their rates, either current or in arrear.

Rates.—Levying rates, &c.—Collection of rates.

1. All rates levied or imposed by the Council under sections 164, 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates, or any of them, have appointed. All such rates shall be paid at the Council Chambers at the hours appointed by the Council for that purpose.

Rate collector to furnish list of defaulters.

2. Every person not paying his or her rates at the time appointed shall be deemed a defaulter, and it shall be the duty of the rate collector to furnish the Mayor and Council, or any committee as directed, with lists of all persons so in default.

3. The rate collector shall, at least once a week, pay into the credit of the Council's bank all moneys collected by him, and render an account thereof to the Council Clerk.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcement of distress.

5. The bailiff shall be appointed by resolution of the said Council, and shall be at any time removable by a like resolution.

6. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of twenty pounds sterling each, for the faithful performance of his duties.

7. It shall be the duty of the bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

8. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

9. It shall be lawful for the bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises, or at such other place within the Borough as the said Bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner; and any person interfering with the said Bailiff in the execution of any of the duties devolving upon him under these By-laws, or hindering or preventing him from delivering to the purchaser thereof any property so sold by the said Bailiff, shall be liable to a penalty of five pounds (£5).

10. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made; and the Bailiff shall give a copy of the inventory to the ratepayer, on demand, at any time within one month after the making such distress.

Goods may be impounded.

11. The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secured aforesaid, in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner direct order of sale.

12. The owner of the goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

13. The Bailiff shall render an account to the Council Clerk of all proceeds of every such distress within forty-eight hours after having received the same, and within the like period deposit all such proceeds in the Council's bank to its credit.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or in his absence with the sanction of any two Aldermen of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs

15. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under this By-law the costs and charges in the Schedule hereto annexed marked C.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Borough of Armidale, do hereby authorize you _____, Bailiff of the said Borough, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of _____, being the amount of Municipal rates due to the said Borough to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____ 18 . _____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand of the Mayor of the Borough of Armidale, dated _____, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the said Borough, for the sum of _____, being the amount of rates due to the said Borough to the _____ day of _____ 18 .

Dated this _____ day of _____ 18 . _____ Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	6
For serving every warrant and making levy	2	6
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of day	6	0
For sale, commission, and delivery of goods, per pound sterling on proceeds of sale	1	0

PART III.

Streets and Public Places, &c.

New roads to be reported upon.

1. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee for Works and reported upon to the Council by such Committee.

Plans of proposed new roads, &c. to be deposited.

2. Whenever any proprietor or proprietors of land within the said Borough shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument, dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council.

Roads and streets, and encroachments thereon, &c.

3. The Surveyor of the Borough, Clerk of Works, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot-ways thereof, which now are, or shall hereafter be, under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Surveyor, Clerk of Works or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way, and 12 feet for the foot-way on each side, where the road, street, lane or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane or thoroughfare, or

other public place of other width than 66 feet : Provided that there shall be no change of level in any such public road, street, lane, thoroughfare or public place, until the same shall have been submitted to and adopted by the Council as hereinafter provided : Provided further that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

4. Whenever it may be deemed necessary to alter the level of any such public road, street or way, as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Borough, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Foot-ways may be levelled.

5. When any foot-way shall have been marked out in manner hereinbefore directed, the Surveyor or such officer or person so authorized, as hereinbefore mentioned, may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination ; and for this purpose may remove any flagging, steps or other matter, thing or obstruction that may injure or obstruct the said foot-way or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said foot-ways.

Temporary stoppage of traffic for repairs, &c.

6. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose ; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds nor less than two pounds for every such offence.

No encroachment allowed on street, &c.

7. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof. And it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or to make any excavation, hole, or opening in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council or Mayor has been obtained to the erecting or making of any such building, erection, obstruction, fence, or enclosure, excavation, hole, or opening as aforesaid ; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds nor less than two pounds, and for the second and every subsequent offence, a sum not exceeding ten pounds nor less than three pounds.

Obstructing public foot-ways.

8. If the owner or occupier of any land situated on the side of any street or road in this Borough shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any foot-path, or foot-way on the side of such street or road, and on demand made by the Council, shall not cut, lop, or cause to be lopped all such trees, shrubs, or plants to the height of eight feet at least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut and lopped all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers ; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall, on conviction of every such offence, forfeit and pay a sum not exceeding ten pounds.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of, or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained ; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained : Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide : Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor, or other such officer or person, may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending, providing that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option, to proceed against the offender for breach of by-law, the penalty not to exceed twenty-five pounds nor be less than five pounds ; and in case of every successive offence the penalty, on conviction, not to be less than five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds it shall be open to the Council either to direct such removal and to pay all the cost thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such by-law as aforesaid.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to obstructions by digging or excavation ; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these by-laws imposed or cast on the said surveyor or officer, shall, on conviction, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Hoads or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Borough of Armidale, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or foot-way will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, or upon the public street or road within a distance of less than twelve feet from the building line thereof, if there be room enough to leave as a foot-way for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and hand-rail as aforesaid, standing in good condition, to the satisfaction of the officer of the Council of the said Borough during such time as the public safety or convenience requires, and shall, in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night ; and every such person who shall fail to put up such fence, or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively standing in good condition as aforesaid, during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Borough within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

PART IV.

Offences,—Nuisances—General good order of the Borough.

Damaging public buildings, &c.

1. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, foot-way, sewer, water-course, fence, tree enclosure, or other property of the Municipality, shall pay the cost of repairing the same, and, if the same be wilfully done, shall also forfeit and pay a sum not exceeding twenty pounds nor less than five pounds : Provided that such cost and penalty shall not exceed in the whole the sum of fifty pounds.

Injuring public fountains, &c.

2. Any person who shall injure any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same, and, if the injury be wilfully done, shall also forfeit a sum not exceeding twenty pounds nor less than one pound ; and any person who shall have in his possession

any private key for the purpose of opening any cock, or who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any public fountain or pipe, shall forfeit a sum not exceeding twenty pounds nor less than five pounds; and any person who shall open, or leave open, any cock of any public fountain or pump so that the water can or shall run to waste, shall forfeit a sum not exceeding two pounds nor less than five shillings; and any person who shall wash any clothes, omnibus, carriage, cart, or other vehicle, or any horse or animal, at any public fountain or pump, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Injuring or extinguishing lamps.

3. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum of not more than two pounds nor less than ten shillings.

Trees and enclosures.

4. The Council shall have power to plant trees on the public streets and ways of the said borough, and any person who shall wilfully, or without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum not exceeding ten pounds nor less than two pounds.

Extirpation of noxious weeds.

5. Any owner or occupier of land within the Borough of Armidale who shall permit to grow or remain on the said land, or upon the public streets or roads within a distance of 12 feet from the boundary line thereof, any of the weeds known as Bathurst burr, Scotch thistle, prickly pear, sweet briar, or any other noxious weed, and who shall fail to extirpate or destroy the same within thirty days after the receipt of a notice in writing, by post or otherwise, from the Council, or proper officer of the Council, so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Throwing dead animals, &c., into any watercourse, &c.

6. Any person who shall throw or cast any filth, rubbish, or any dead animal, or any animal with intent to drown the same, into any watercourse, waterhole, creek, or canal, or who shall permit or suffer slops, suds, nightsoil, sewerage matter, or filth to flow from his or her premises over any of the foot-ways or streets of the borough, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, nightsoil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast in any watercourse, waterhole, creek, or canal, or shall obstruct or divert from its channel any sewer or watercourse, creek or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such watercourse or canal into its proper channel.

Throwing filth on roadway, &c.

7. If any person shall, in any street, road, lane, or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be on any carriage or foot-way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any foot-way, any waggon, cart, dray, sledge, or other carriage, any wheelbarrow or truck, or any cask, or shall wilfully lead, drive, or ride any horse, or other beast, upon any foot-way aforesaid, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Placing goods, &c., on roadway, &c.

8. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any cask or vessel in or upon or over any road, foot-way, or public place within the said borough, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage, upon any foot-way, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or foot-ways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or premises over any part of such foot-ways or carriage-ways, or over any area of any house or premises, or any other matter or thing

from and on the outside or any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same, or any of them, or any other article or thing whatsoever (save and except aforesaid), in, upon, or over any of the carriage or foot-ways of or next unto any streets or roads as aforesaid: in every such case every person so offending shall forfeit a sum not exceeding two pounds nor less than ten shillings.

Drawing or trailing timber, &c.

9. If any person shall haul or draw, or cause to be hauled or drawn, upon any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way so as to occupy or obstruct the street or road beyond the breadth of said carriage, every such person so offending shall forfeit and pay for every such offence the sum of two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor be less than one pound.

No turf, gravel, &c., to be removed from streets without leave, &c.

10. Any person who from any part of the roads, streets, thoroughfares, reserves, or other lands or public places, shall remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, reserves, or other lands, or public places, or who shall wantonly break up or otherwise damage a part of the said roads, streets, thoroughfares, reserves, or other lands or public places, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound. The owner of any vehicle shall, for the purpose of this By-law, be held and taken to be owner thereof, until the contrary be shown.

No driver to ride on vehicle without a person to guide his beast (vehicle with reins excepted), or to go to a distance from his vehicle, or drive on wrong side, &c.

11. If the driver of any cart, waggon, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided with reins only excepted), or if the driver of any carriage or vehicle whatsoever shall wilfully be at such a distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare that he cannot have the direction or government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle shall not drive on the left or near side of such road, street, or thoroughfare; 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 road, street, or thoroughfare; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, or vehicle, or carriage, in or upon the same: every such driver or person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Name and place of abode, &c.

12. The owner of every such waggon, cart, dray, or vehicle of any kind as last abovementioned who shall allow the same to be driven through the said Borough of Armidale without having his name and place of abode painted in full length on the off side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid who shall refuse to give his and the owner's name and address, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Lights on vehicles.

13. Every person whilst driving, leading, or riding upon any cart, carriage, van, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal through any part of the Borough between the hours of sunset and sunrise shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, van, waggon, buggy, or other vehicle, under a penalty of five shillings for the first offence, and for every subsequent offence not less than one pound nor more than ten pounds.

As to riding or driving improperly through streets, &c.

14. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Riding or driving round corners, &c.

15. Any person who shall ride or drive round the corner of any street, road, or public place within the said Borough at a pace faster than a walk shall, on conviction, forfeit and pay a sum not exceeding two pounds nor less than ten shillings for every such offence.

Erection of houses, &c.—Fee for permission.

16. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Borough without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall, at the time the said notice is given as aforesaid, pay to the Council Clerk a fee of five shillings for permission to erect any such house, shop, or building in any street, lane, or other place within the said Borough; and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Affixing placards on walls and chalking thereon.

17. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, or to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof; and any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about streets.

18. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure situate and being in or within forty yards of any street or public place in the Borough, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him, or under his charge, to stray or to go about, or to be tethered or depastured, in any street, road, or other public place within the Borough, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Restrictions on certain trades, &c.

19. It shall not be lawful for the business of soap-boiler, tallow-melter, tanner, currier, pig-keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to, any of the inhabitants thereof, to be commenced or established within the limits of that portion of the Borough to be defined from time to time by resolution of this Council without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay, on conviction, a penalty not exceeding fifty pounds, nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

20. Any person who shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of five in the morning and eleven o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and watertight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth in or upon or near to any of the streets, roads, public places, or foot-ways of the Borough, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter nearer to any street, road, or dwelling-house than shall from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house other than shall from time to time be directed by the Council or Inspector, shall, upon conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Inspection of premises.—Yards, &c., to be kept clean.

21. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbourhood or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power without any other authority than this By-law to go upon such premises for the aforesaid purpose. An owner or occupier of any house or place within the said Borough who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house or place so as by such neglect to cause a nuisance by offensive smell shall forfeit and pay a sum not exceeding two pounds and not less than ten shillings.

Discharging fire-arms, &c.

22. Any person who shall discharge any fire-arms without lawful cause, or let off any fireworks or other explosive matter, in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than five shillings.

Entrance to cellars, &c., to be covered, &c.

23. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars or other part of the said premises beneath the surface of the foot-way of any streets or public places, or having any doorway or entrance into the basement or cellar-story thereof, shall not either keep the same or the rails of such kitchen, cellars, or other parts in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing, or if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured any coal or other hole, funnel, trap-door, or cellar-flap belonging to or connected with his premises, save and except only during reasonable time for use, alteration, or repair, or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, all and every or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath foot-ways prohibited.

24. It shall not be lawful for any person to make any cellar or any opening, door, or window in or beneath the surface of the foot-way of any road, street, or public place within the said Borough, except by permission of the Council; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

25. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof, and any public place, road, street, or foot-way within the limits of the said Borough, or at the side of such public place, road, street, or foot-way, or in any yard or place open and exposed to such public place, road, or foot-way, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction, such person shall forfeit and pay a sum not exceeding ten shillings nor less than five shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that, with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavement.

26. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any foot-way or kerbstone within the Borough of Armidale shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Offensive or indecent placards.

27. Any person who shall in any street or public place within the Borough of Armidale post, write, expose to view, or distribute any placard, handbill, or other document whatever, of an offensive or indecent character shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Musicians to move on.

28. Any street musician or vocalist who shall not, when requested by any householder within the Borough of Armidale, or his servant, or by any officer or servant of the Council of the borough aforesaid, or by any police officer, depart from the neighbourhood of the premises of such householder shall be liable to a penalty not exceeding two pounds nor less than five shillings.

Persons not to stand or loiter in street.

29. All persons standing or loitering upon any of the carriage-ways, foot-ways, or other public places in the Borough of Armidale to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said borough, or by any police officer, shall be liable to a penalty not exceeding two pounds nor less than five shillings.

Holes made for cellars, &c., to be enclosed, &c.

30. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place, for the purpose of making any cellar or cellars, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up, or cause to be kept up and continued, any such enclosure, or shall not, when thereunto required by the said Council, or officer thereof, well and sufficiently fence or enclose any such hole, within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, then and in every such case the person so offending shall forfeit and pay for every such offence, and for every refusal or neglect, any sum not exceeding five pounds nor less than ten shillings, and on conviction for every subsequent offence not less than one pound.

Excavations, &c., to be protected by fence or wall.

31. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or near to any public road or foot-path within the limits of this borough until the owner or occupier of the said property shall have erected a good substantial fence or wall at the least 4 feet high around such parts of the said property as adjoin such public road or foot-path; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings; and all existing quarries, excavations, or precipices situated within the limits of this borough shall be closed and protected in the manner aforesaid, within one week after due notice to that effect shall have been given by the said Council, and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same, after notice as aforesaid, such person so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

32. Every person who, in any street or other public place or passage within the said borough, shall commit any of the following offences, shall, on conviction for any and for every such offence, forfeit and pay a penalty of not more than two pounds nor less than five shillings:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the foot-way thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase, or any part of the carcase of any slaughtered animal, without sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).

Every blacksmith, metal-founder, lime-burner, brick-maker, potter, or other person using a forge, furnace or kiln, and having a door, window, or aperture, fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the door-way, window, or aperture next or upon such street, lane, or passage.

Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any foot-way to the annoyance of any person.

Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person in any street or public place within the said Borough.

Unlawful games.

33. No games with dice or other games of chance for money, prize-fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Borough; and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition or entertainment, shall for every such offence forfeit and pay a sum of not less than five pounds nor more than fifty pounds.

House of ill-fame.

34. Upon representation to the Council by two or more rate-payers that any house within the Borough and near the residence or residences of such ratepayers is of ill-fame it shall be lawful for the Council to cause the resident of such house or premises to furnish to the Council a complete list of the names, ages, sexes, and occupations of all the inmates of the said house or premises, and upon non-compliance with such request, or if, upon consideration, the Council consider the house to be one of ill-fame, they shall declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or upon any person residing or being thereupon, to discontinue or abate such nuisance within forty-eight hours of the receipt of such notice, and if such nuisance be not so abated the holder of such house or premises, or other person residing therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance be not abated within forty-eight hours after such conviction the holder of such house or premises, or other person residing or being thereon as aforesaid, shall forfeit and pay for such second offence a sum of not more than fifty pounds nor less than five pounds.

Places of amusement to be licensed.

35. No dancing-saloon, bowling or skittle alley, shooting-gallery, or similar place of amusement (other than entertainments requiring to be licensed by law) shall exist or be established within the Borough, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided, and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license, and the Council, at its next meeting, shall, by resolution, cause the said license to be cancelled or otherwise, as may appear necessary or desirable; and any person or persons having already established such places of amusement who shall not, within thirty days after these By-laws come into force, apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement, as aforesaid, without having obtained such license, shall forfeit and pay a sum of not more than twenty-five pounds nor less than two pounds.

Mode of granting licenses.

36. Applications for licenses as aforesaid must be in writing addressed to the Mayor and Aldermen, and must be endorsed by two householders testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License Fees.

37. Licenses shall be granted by resolution of the Council upon payment of license fees as follows:—For every license granted between the 1st January and 31st December, one pound one shilling. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of one pound one shilling.

Polluting water, reservoirs, &c.

38. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other water-works belonging to or under the control or management of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever, or shall cause, or permit, or suffer to run, or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper liquid, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other water-works, as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than one pound nor more than ten pounds; and for a third and every subsequent offence, a sum not more than twenty pounds nor less than five pounds.

39. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Borough, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay, and the owner or owners thereof, or the owner or occupiers of the premises, in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds and not less than two pounds, in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of said nuisances.

PART V.

Noisome and offensive trades.

No noisome or offensive trades to be carried on to the injury of any inhabitant.

1. No person shall carry on any nuisance or offensive trade within the said Borough so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "noisome and offensive trades."

2. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Borough, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and if the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council; and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well-founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such to cease and discontinue the same within such reasonable time, not being less than thirty days, nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation as that within such reasonable time as aforesaid the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Borough; and if such trade shall not be discontinued, or shall not be so conducted as that it shall wholly cease to be noisome and offensive within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall, for the first offence, forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence a sum of not less than two pounds nor more than twenty-five pounds; and for a third and every subsequent offence a sum not exceeding fifty pounds nor less than five pounds.

Mode of proceeding when a "noisome and offensive trade" is about to be commenced.—Penalty.

4. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive," within the meaning of these By-laws, and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same; and the Council shall take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws, to any resident within the Borough. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive," within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Service of notice.—Liabilities

5. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Health.

Houses to be purified on certificate of two medical practitioners.

1. If, upon the certificate of any duly qualified medical practitioner, it appear to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the Borough, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice he or she shall be liable to a penalty of not less than forty shillings nor more than ten pounds: Provided that each day during which such house shall, after such notice has aforesaid, remain uncleansed or unfumigated shall be a separate offence: Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

2. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith, in the said Borough, which then is, or shall have been, within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Borough, any article of furniture, bedding, household or personal effects, knowing the same to have been, within three months prior to the date of such sale or letting, used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

3. Any person who shall expose, or cause to be exposed, in any road, street, public place, or unenclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Rubbish or offensive matter, &c.

4. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Borough without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

PART VII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person without notice to the Council, or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or to any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds, and shall at his own expense make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work; and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid shall, on conviction thereof, forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council or officer thereof, at the cost and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the Council he shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than ten shillings.

Water from roofs, &c.

3. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rainwater to fall from any roof, balcony, or other projection, upon any street, road, lane, or foot-way, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rainwater to be discharged by any pipe upon any such street, road, lane, or foot-way, shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds nor less than five shillings.

Drains and foot-paths.

4. No surface drain shall be made in any foot-path, nor any pipes laid under or across the same without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall so offend shall forfeit and pay a sum not exceeding fifty pounds nor less than ten shillings.

Drains for discharge of surface water from land.

5. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or foot-way shall within seven days next after the service of notice by the Council abate such nuisance where possible; and in default of compliance with any such notice within the period aforesaid such owner or occupier shall forfeit and pay any sum not exceeding five pounds; and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than two pounds nor more than twenty pounds: And every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second or any future conviction shall be held guilty of a further offence within the meaning of this section.

Natural water-courses.

6. Any person who shall close or intercept any natural watercourse by building or otherwise shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved of by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

7. That owners of houses or agents thereof who have laid pipes or drains to convey slops, suds, refuse, or dirty water of any kind whatsoever into the street, water-channel, water-course, waterhole, river, creek, or canal, shall construct a cesspit and charcoal filter of a design hereinafter mentioned to each house, such cesspit to be made according to plan and specifications to be seen at the Council Chambers—the said cesspit and filter to be constructed to the satisfaction of the Public Works Committee, or other duly authorized officer: And any owner of such house or his agent who shall refuse or neglect to construct such cesspit and charcoal filter within seven days after receiving a written notice, signed by the Mayor or Council Clerk, or other duly authorized officer, shall forfeit any sum not exceeding five pounds nor less than two pounds. Should any owner of any such house or his agent refuse or neglect to cleanse such cesspit and charcoal filter after twenty-four hours' notice from a duly authorized officer, he shall forfeit and pay any sum not exceeding two pounds nor less than ten shillings.

PART VIII.

Preventing and extinguishing fires.

Fires or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof) shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds nor less than one pound; and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every person who shall suffer any such fire, gunpowder, or other combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, and place as or for the covering of any such stock any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material in any building so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit and pay on conviction for every such offence a penalty of not more than five pounds nor less than one pound, and also remove such fence, stack, covering, or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence, stack, covering, or other inflammable material within a reasonable time after any such conviction as aforesaid shall be deemed guilty of a further offence against this By-law.

Burning shavings, &c., in streets.

3. Any person burning any shavings or other matter or matters or things in any street, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Fireworks

4. Every person who shall light any bon-fire, tar-barrel, or firework upon or within 60 feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks, or other combustible matter, by any artificial light other than gas, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Wilfully setting fire to chimneys.

5. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common a "chimney," shall forfeit and pay a sum not exceeding five pounds.

PART IX.

Planting trees.

1. The Council shall, by resolution, annually place upon the estimates a sum of money to be expended in the planting and preserving trees and shrubs in the public streets and recreation grounds within the Borough; and from time to time determine what streets and recreation grounds shall be so planted.

2. The Council shall cause trees or shrubs to be planted in any street or recreation ground in accordance with these By-laws in the following manner, that is to say:—Where the streets are over $1\frac{1}{2}$ chain wide, at a distance of 18 feet from the kerbing and at a distance of 30 feet apart; where the streets are 1 chain or less wide, at a distance of 15 feet from the kerbing, and at a distance of 30 feet apart; and upon recreation grounds in accordance with a plan to be approved of by resolution of the Council.

3. The trees to be planted in the public streets shall consist of such as may be authorized by resolution of the Council, and such other trees in addition upon recreation grounds as the Council may determine.

PART X.

Public Parks.

1. The Municipal Council of the Borough of Armidale shall expend in the improvement of public parks and reserves all such sums as may be derived as revenue from such parks and reserves, including sale of grass right, fees, collected donations, public subscription, or Government grant in aid thereof, and such sums in addition as shall be voted by the Council from the Borough revenue.

2. The improvements to be made by the Council shall consist of fencing, planting, and protecting trees and shrubs, laying-out foot-paths, construction of gardens, erection of park-keeper's lodge, and other necessary buildings, formation and protecting of cricket grounds, and any other purpose of improvement and public recreation not repugnant to the terms of the deed of grant under which the said grounds are held.

3. The parks and reserves shall be open at all times to the public, but may, if the Council by resolution so direct, be closed for any period not exceeding three days. No vehicle or horse traffic shall be allowed except for the following purposes and in the following manner, that is to say:—The Council shall have the right to enter at any time by their servants with horses and drays for the purpose of carrying out any improvement, or for the removal of earth or obtaining water; and the Mayor for the time being shall have power to grant permission to any ratepayer or licensed water-carrier, licensed under the Council, to enter for the purpose of obtaining water in cases of necessity.

4. The Council shall, in the month of December in each year, cause to be sold by public auction the right to graze a specified number of quiet cattle, horses, or sheep upon the parks and reserves, upon such conditions as the Council shall determine previous to such sale.

5. The Council shall provide and maintain spaces within the parks and reserves in which the games of cricket and football may be practised and matches played; and the Mayor shall have power, upon application in writing from the officers of any cricket or football club, to grant the exclusive use of such enclosure for any specified hours and upon such days as may in his opinion be necessary and advisable; and in the event of more than one application for the same time to determine which will be granted, and be empowered, upon notice placed in the park or reserve, or advertised in a local newspaper at the expense of the applicant, to debar any interference upon the said enclosure upon the day and time specified in such notice.

6. Any person destroying or damaging any fence, enclosure, tree, or shrub, foot-path, or other improvement on or in the parks or reserves, shall, upon conviction before two Justices, pay a fine of not exceeding ten pounds, or in default to be imprisoned for any term not exceeding three months.

7. The Council shall have power, upon any special public occasion or demonstration, to close the said parks or reserves, and to collect such fee for admission thereto as they may think fit, or to dispose of the right to collect such fee: Provided that such fee shall in no case exceed one shilling to each person.

8. The Council shall have power and may appoint a park-keeper, who shall, under the direction of the Mayor, have full power to proceed against any person committing a breach of these By-laws.

9. Any person committing any indecent behaviour or causing tumult, or in any way interfering with the comfort and privileges of the citizens, shall be guilty of an offence, and upon conviction shall pay a fine of not exceeding five pounds, or one month's imprisonment; and the park-keeper, or other officers of the Council, and police-officers, shall have full power to remove any such offenders from the ground.

10. All fines incurred for any breach of these By-laws shall be paid to the Armidale Borough Council, and expended in the improvement of the parks or reserves in such way as the Council shall determine.

11. A copy of these By-laws shall be printed upon a notice-board and placed in some conspicuous place in each park or reserve for public information.

12. By resolution of the Council, the above By-laws may be extended to any recreation ground which shall now or may hereafter be vested in the Council as a place for public recreation within the Borough of Armidale.

PART XI.

Library, &c.

1. The library shall be known as the Armidale Reading Room and Library. It shall be under the control of the Borough Council, and shall be managed subject to these By-laws.

2. The Armidale Library shall be in a room to be set apart for that purpose by the Council or by the Committee of Management. The library shall be open to the public daily from 1 o'clock p.m. to 9.30 p.m., Sundays, Christmas Days, and Good Fridays excepted.

3. The setting apart by the Library Committee of a room for the purposes of the library shall in no way justify the use by the public of any other part of the institution, unless in accordance with the rules thereof.

4. Every person using the library, whether for the purpose of inspection or of ordinary study, shall immediately write his or her name in a book to be called the "Visitors' Book," and which it shall be the duty of the librarian to have constantly placed for that purpose; and no person shall be allowed to use or inspect the library without having first complied with this By-law.

5. Any person who shall enter the said library in a state of intoxication, or who shall use improper language, or indulge in improper behaviour therein, or who, by loud talking or unseemly conduct of any kind shall disturb or annoy those using the said library, shall be liable to be forcibly ejected therefrom; and it shall be the duty of the librarian, or any member of the Committee of Management who may be cognizant of such conduct, so to eject the offender forthwith, or to deliver him into the custody of a police-officer, to be taken before a Bench of Magistrates to be dealt with; and such offender shall, upon conviction of such offence, be liable to a penalty not exceeding ten pounds nor less than ten shillings.

6. Any person, whether wilfully or otherwise, damaging any book, catalogue, record, chart, apparatus, model, specimen, or any other article or thing attached to or in use or otherwise in the room used for the purposes of the library, may be called upon by the librarian, his assistants, or any member of the committee to pay the ascertained amount of damage or value of the article injured, and, in the event of refusal so to pay, shall, at the discretion of the committee, be sued for the amount in a competent court, or proceeded against summarily, and in the latter case shall, upon conviction, forfeit a penalty not exceeding ten pounds, in addition to the ascertained damage to or value of the article in question.

7. Any person desirous of promoting the objects for which the library has been established may, with the consent of the Council and the approval of the committee, deposit with the librarian, for further use, reference, or inspection, any book or other publication, chart, apparatus, model, specimen, &c., subject always to such special rules and restrictions as such person shall dictate in writing, and thereupon it shall be the duty of the librarian, his assistants, and the committee to respect such dictation faithfully in all its terms and conditions, and to impress the necessity for a strict observance thereof upon all persons visiting the library.

8. The salary of the librarian shall be fixed and determined by the Council from time to time, and the appointment and removal of the said officer shall rest wholly with such Council. In all matters of routine the librarian shall be wholly under the direction and control of the committee.

9. The Council shall have power at all times to make and amend such Regulations for the internal management of the library and guidance of the librarian as circumstances may render necessary or desirable.

10. A copy of these By-laws and all Regulations passed or to be passed thereon, shall be constantly suspended conspicuously in the library for the direction and information of the public, and copies shall be provided for circulation generally.

11. All proceedings under these By-laws may be taken in a summary way before two Justices, in accordance with the provisions of the Act 14 Victoria No. 3, and all fines and penalties imposed shall be paid into the Corporate Fund of the Municipality for the use of the library.

PART XII.

BY-LAWS for the regulation and licensing of public carriers, carters, water-drawers, and public vehicles, omnibuses, cars, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers or conductors of passenger-carrying vehicles.

1. No vehicle shall ply or be used for hire within the Municipality of Armidale until and unless the same be duly licensed in the manner hereinafter described.

2. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the party requiring such license shall deliver to the Council Clerk a requisition in the form of schedule hereunto annexed, marked with the letter A, duly filled up and signed; and, in case of drivers or conductors, shall obtain a certificate from two respectable rate-payers to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor or such officer as may be duly appointed for that purpose, is unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle or on such other place or places and in such manner as the Mayor may direct.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the schedule hereunto annexed, marked with the letter B.

5. Every license granted under these By-laws shall be under the common seal of the Council and signed by the Mayor and countersigned by the Council Clerk, and shall be in force from the date of such license until the 31st day of December next ensuing, and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor desire he may be permitted to substitute another for a period to be thereby specified by indorsement on the license, signed by the Mayor and countersigned as aforesaid.

6. For every such license there shall be paid to the Municipal Fund annually the several rates set forth in the schedule hereunto annexed, and marked with the letter C.

7. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years, and no license under these By-laws shall be granted unless after seven days' notice.

8. All licenses shall be made out by the Council Clerk and numbered consecutively.

9. The person in whose name a license shall appear to have been obtained, shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

10. The Mayor shall, as often as he may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses; and if any such vehicle, harness, horse, or horses, shall at any time be found to be unfit for use, the Mayor may cancel the license of such vehicle.

11. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney carriage or cab, in figures not less than two inches in height, and of proportionate breadth, white upon a ground of black, shall be painted outside on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Mayor may direct, and such numbers shall be kept legible and undefaced during all the time such vehicles shall ply or be used for hire at the expense of the licensee.

12. The number of the license of every hackney carriage or cab on a card or plate six inches by three, painted or printed in clear legible figures, and the table fares fixed by the Council shall be affixed at the upper part of the front panel, or in such other place or places inside of such carriage or cab as the Mayor may direct, at the expense of the licensee, and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

13. No proprietor or driver of any licensed hackney carriage or cab shall demand, receive, or take more than the several fares in the schedule hereunto annexed, marked with the letter D: Provided that the sums so set forth may be varied from time to time by a resolution of the Municipal Council as occasion may seem to them to require. Notice of such alteration shall be published in the *Government Gazette* and in a local newspaper.

14. So far as concerns fares in these By-laws, any vehicle of whatever form or construction for which a hackney carriage license has been taken out if drawn upon four wheels shall be deemed to be a hackney carriage, and if drawn upon two wheels a cab.

15. Carters (plying for hire) of water-carts, drays, carts, or vans are to be registered at the Council Chambers and receive a license upon payment of the rate set forth in Schedule C hereunto annexed.

16. The name, place of abode, number of license, and the words "licensed cart," "dray," or "van," as the case may be, are to be painted in letters one inch long upon the right or off side of such cart, dray, or van, at the expense of the licensee.

17. Whenever the word vehicle shall be used in these By-laws the same shall be understood to apply to either an omnibus, a car, hackney carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels drawn by two or more horses; and a car a vehicle upon two wheels for which an omnibus license has been taken out; and a hackney carriage shall mean a vehicle upon four wheels drawn by two or more horses; and a cab a vehicle upon two wheels for which a hackney carriage license has been taken out; and the word "carters" shall be understood to apply to carts, drays, or vans plying for hire.

18. For every offence against the provisions of these By-laws the offender shall be liable to and pay a penalty of not more than twenty pounds nor less than ten shillings.

19. All penalties recovered under any of these By-laws shall be paid to the Municipal Council to be appropriated towards the general revenue of the Municipality.

SCHEDULE A.

A requisition for a license.

To the Municipal Council of Armidale.
I, _____, residing at _____ street, within the Municipality of Armidale, do hereby request that a license may be granted to me to _____ within the limits of the said Municipality.
Dated at Armidale this _____ day of _____ 18 ____.
Description—

SCHEDULE B.

Form of license.

No. _____

THIS is to certify that _____, of _____ street, Armidale, is hereby licensed to _____ from the _____ day of _____ to the 31st day of December, 18 ____ inclusive, within the Municipality of Armidale, subject nevertheless to all and every the By-laws and Regulations in force relating thereto.

Given under my hand and the common seal of the Municipal Council of Armidale, in the Colony of New South Wales, this _____ day of _____ 18 ____.

(L.S.)

Mayor.

Council Clerk.

SCHEDULE C.

A TABLE of Rates to be paid by the Proprietors and Drivers of licensed vehicles.

	On and after the 1st of January.	On and after the 1st of April.	On and after the 1st of July.	On and after the 1st of October.
For each omnibus, car, hackney carriage, or cab	£ s. d. 2 0 0	£ s. d. 1 10 0	£ s. d. 1 0 0	£ s. d. 0 10 0
For every water-cart, dray, cart, or van	£ s. d. 1 10 0	£ s. d. 1 2 6	£ s. d. 0 15 0	£ s. d. 0 7 6

For every driver's or conductor's license for passenger-carrying vehicles, for every year or part of a year, five shillings.

SCHEDULE D.

RATES and fares to be paid for any hackney carriage or other passenger-carrying vehicle, including an omnibus, plying within the Municipality of Armidale.

If drawn by one or more horses, at the rate of one shilling per mile or for any part of a mile.

Made and passed by the Municipal Council of the Borough of Armidale this twentieth day of July, in the year of our Lord one thousand eight hundred and eighty-six.

A. W. SIMPSON,

Mayor.

CHAS. WILSON,

Council Clerk.

BY-LAWS UNDER THE NUISANCES PREVENTION ACT, 1875.

BY-LAWS of the Borough of Armidale for the suppression of certain nuisances prejudicial to public health, and for improving the sanitary condition of the Borough, in accordance with the provisions of the "Nuisances Prevention Act, 1875."

1. Every person about to erect a closet or form a cesspit shall, before he shall commence any such work, give to the Council Clerk seven days' notice in writing of his intention, and of the proposed position of such closet or cesspit; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances, or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house, nor at a less distance than 20 feet therefrom, if the area will permit (nor less than 12 feet in any case), nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house.

4. No cesspit shall be less than 3 feet 6 inches in diameter in the clear, by 4 feet deep, and every such pit shall be laid with single brick; the closet or superstructure to be placed two-thirds over the pit so as to leave one-third of an opening for cleaning out, such opening to be covered with a slab or stone. Any person who desires to cement the pit and make it water-tight shall be at liberty to do so.

5. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened on the inside, and shall have ventilating holes $4\frac{1}{2}$ inches wide.

6. When two or more closets adjoin each other there shall be a brick or stone dividing wall of not less than $4\frac{1}{2}$ inches in thickness between every two closets, and each wall shall extend from the bottom of the cesspit through the roof of the closet, so as to effect a complete separation.

7. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet, liable to a penalty not exceeding five pounds.

8. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by four cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve.

9. In schools or factories, or other places of business where a number of persons exceeding twelve shall reside or be occupied or employed, one closet shall be provided for every twenty persons, with a capacity of not less than eighty cubic feet, and separate closets shall be provided for each sex.

10. If any alterations shall be requisite, in the opinion of the Inspector of Nuisances, or any other officer appointed by the Council in that behalf, for preserving public health or decency, in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days' notice to remove or alter the same, and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer, and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same shall be.

11. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality except as allowed by the Council.

12. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of, or contractors with, the Council, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

13. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

14. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and, on being removed from the vehicles in which it is carried, it shall be deodorized by chemicals, or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

15. Any person desirous of erecting an earth-closet shall be at liberty to do so, but all night-soil shall be removed therefrom once in seven days or oftener, and every person having such a closet, and occupying premises where the inmates do not exceed twelve in number, shall be at liberty to use the night-soil from such earth-closet on his own premises, provided that he shall occupy a clear area of not less than two roods; but if any nuisance shall arise therefrom, such person shall be liable to a penalty not exceeding five pounds sterling.

16. Any person having a cesspit, cemented or otherwise, shall be at liberty to use the night-soil on his own premises, provided the owner occupies a clear area of not less than two roods, and the inmates do not exceed twelve in number; and if any nuisance shall arise from the disposal of the night-soil, such person shall be liable to a penalty of not exceeding five pounds.

17. No person shall be at liberty to use on his premises any night-soil brought from elsewhere,

18. The owner or occupier of any house, building, passage, yard, or premises within this Municipality shall cause the yard and ground adjoining or belonging thereto to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

19. Any person allowing night-soil from any closet to fall into any street, shall forfeit and pay a sum not exceeding twenty pounds nor less than two pounds.

20. Any person wilfully allowing filth of any kind, or accumulation thereof, or any substance or substances from which noxious effluvia arises, to remain upon his premises, shall be liable to a penalty not exceeding ten pounds.

21. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Borough, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay, and the owner or owners thereof, or the owners or occupiers of the premises in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds and not less than forty shillings, in addition to all legal and other expenses incurred in the proceedings, and in the removal and destruction of said nuisances.

22. If at any time the cesspit or dry earth-closet on any premises shall overflow (except caused by flood waters), the owner or occupier shall, within twenty-four hours, give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

23. The Council may recover, and the owner or occupier of the premises shall pay, such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

24. The Inspector of Nuisances shall be furnished annually with a list, copied from the rate books of the Council, showing the names of owners and occupiers of all household property or business premises within the Borough—the list to be furnished within three months after the filling up of the said rate book in each year.

25. The Inspector of Nuisances shall be provided by the Council with a supply of printed forms of notices or other documents (as by the Act prescribed), from time to time, when required for service upon the owners or occupiers of premises.

26. The Inspector of Nuisances shall obtain from the contractor or nightman a list showing the names of occupiers or owners of premises where water-closets have been emptied, and the situation of such premises, and shall submit the said list to the Council quarterly, viz., at the end of March, June, September, and December in each year, with a view of carrying out the tenth section of the "Nuisances Prevention Act."

27. The Inspector of Nuisances shall report to the Mayor for the time being, or to any authorized officer of the Council, when any water-closet is connected with any drain or sewer, and take such action as may be directed by the said Mayor or officer with a view of carrying out the purposes of the Act.

28. It shall be the duty of the Inspector of Nuisances to report the existence of any gutter, drain, or filthy premises that may be brought under his notice, and take such action as may be directed by the Mayor or other authorized officer of the Council in accordance with the provisions of the "Nuisances Prevention Act."

29. It shall be the duty of the Inspector of Nuisances to furnish the Council every three months with a list of the persons who have been proceeded against and fined for nuisances within the Borough, together with the dates and amounts of such fines respectively.

30. The owner or occupier of any premises within the Municipality, or any other person who shall erect upon his premises, any closet or cesspit otherwise than in accordance with these By-laws, or who shall refuse to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

31. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act, 1875", shall have the like meanings assigned to them as are provided in the 4th section of the said Act.

Made and passed by the Municipal Council of the Borough of Armidale, this twentieth day of July, in the year of our Lord one thousand eight hundred and eighty-six.

CHAS. WILSON, (L.S.) A. W. SIMPSON,
Council Clerk. Mayor.

BY-LAWS FOR REGULATING THE REMOVAL AND DEPOSIT OF NIGHT-SOIL.

In pursuance of the powers given in and by the "Nuisances Prevention Act, 1875," to Municipalities in the Colony of New South Wales, to which the provisions of the said Act shall have been extended, the Borough Council of Armidale do hereby order that the following shall be the By-laws to be observed for regulating the removal and deposit of night-soil from closets and cesspits within the said Borough.

Interpretation.

1. By these By-laws, "night-men" means and includes any and every person employed by the Council to remove or assist in removing night-soil from cesspits or earth-closets, whether as servants of the Council or as contractors thereunder, or as servants of such contractor. "Night-cart" means any vehicle used by any night-man for the purpose aforesaid. "Depôt" means a depôt for the deposit of night-soil.

Night-soil depôts.

2. Such depôts as shall from time to time be named by resolution of the Council shall be depôts for the disposal of night-soil.

Unauthorized persons not to act as night-men.

3. No person shall act as night-man, or drive any night-cart within the limits of the City of Armidale, unless such person be authorized so to do by the said Council.

Certificate.

4. Such authority shall be evidenced by a certificate under the hand of the Mayor and Council Clerk, which shall contain the name and place of abode of the holder, and shall be duly numbered and registered; such certificate shall be according to the form in the Schedule to these By-laws.

Revocation of certificate.

5. Any such certificate may be revoked, cancelled, or suspended at the will of the said Council, and thereupon such authority shall cease.

Change of abode to be notified.

6. Any authorized night-man changing his place of abode, shall, within two days after so doing, attend the Council Clerk, who shall note the change upon his certificate, and register the same.

Certificate to be carried and produced.

7. Every night-man whilst engaged in removing night-soil, or in driving any night-cart, shall carry with him his certificate, and shall produce the same when required by any officer of the Council or member of the Police Force of New South Wales. No night-man shall, on any pretence, part with or lend his certificate to any other person.

Night-carts to be numbered, registered, and properly lighted.

8. All night-carts shall be numbered and registered by the Council Clerk, and shall be examined by the Inspector of Nuisances or other officer appointed in that behalf, who shall certify to the Council Clerk if the same be fit for use. Every night-cart shall have its number with the words "night-cart" conspicuously painted on the near or off side in letters of white on a black ground. Every contractor's night-cart shall have, in addition, the owner's name and address so painted; and every night-cart whilst in use shall carry two lighted lamps with the number legibly painted on the glass of each, and such lamps shall be affixed, the one to the front and other to the back of the cart.

Night-carts to be made water-tight, and covered.

9. Every night-cart or vessel used in the business of a night-man, shall be kept by the owner thereof water-tight and free from leakage, and shall be provided with a proper covering, so as to effectually prevent the dropping, splashing, slopping, or spilling of anything carried therein.

Hours for emptying cesspits, &c.

10. No person shall empty any privy, cesspool, or remove any night-soil within the city, or shall permit or suffer such to be done, or shall use, or drive, or permit or suffer to be used or driven, any night-cart or other vehicle for that purpose, except between the hours of eleven o'clock at night and five o'clock in the morning, or shall put, place, leave, spill, or cast out any night-soil in or upon any of the streets or public places of the said city, or shall not carefully sweep up and cleanse every place in which any offensive matter is slopped or spilled: Provided that before commencing such work it shall be the duty of the night-man to report his intention so to do to the Inspector at least twelve hours before commencing such work.

Night-soil not to be brought into the city.

11. No person shall bring or convey any night-soil to any depôt within the limits of the said city from any place beyond the said limit.

Night-soil to be buried.

12. Every night-man shall, upon arriving with his cart at the depôt, make or cause to be made a pit or trench 5 feet in depth and of sufficient length and width to allow of a deposit of night-soil 1 ft. 6 in. in depth; and all night-soil shall be buried in accordance with the agreement for the removal and depositing of the same between the contractor and the Council, and no offensive matter shall be permitted or placed in any place but that provided by the Council.

13. For every certificate under these By-laws there shall be paid to the Council Clerk the following fees:—

	£	s.	d.
For every night-cart (per annum)	1	0	0
For every master's certificate (per annum)	0	10	0
For every labourer's certificate (per annum)	0	10	0

Particulars to be given at Inspector's office.

14. Every licensed night-man, when he shall use any night-cart or vessel for the removal of any night-soil or other offensive matter, shall, within twelve hours after the performance of such work, report to the Inspector or other officer appointed in that behalf, at his office, the name of the occupier of the premises and the name of the street in which such premises are situated, where he has been so employed, and also state the place where the contents of such night-cart or vessel were deposited.

15. For every offence against any of the provisions of these By-laws the offender shall, upon conviction, forfeit and pay a penalty not exceeding twenty pounds nor less than twenty shillings.

SCHEDULE.

39 Victoria, No. 14.

City of Armidale.

Night-man's Certificate, No.

Name.

Address.

Employed as (contractor, labourer, or driver).

This certificate is in force from _____ to _____

Given and registered at the Council Chambers, in the City of Armidale, this _____ day of _____

A.D. 18

Mayor.

Council Clerk.

Made and passed by the Council of the Borough of Armidale, this twentieth day of July, in the year of our Lord one thousand eight hundred and eighty-six.

(L.S.) A. W. SIMPSON,
Mayor.

CHARLES WILSON,
Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF BALRANALD—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office, Sydney, 17th August, 1887.

MUNICIPAL DISTRICT OF BALRANALD—AMENDED BY-LAWS.

The following amended By-Laws, made by the Council of the Municipal District of Balranald, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

Prevention of fires.

1. For the better prevention of fires, it is provided that no person shall erect stacks of wheat, hay, grass, straw, or other inflammable contents or material within one hundred yards of any building in any populous portion of the town, under a penalty on conviction of a sum not exceeding five pounds; and if the said stacks or material be not removed within such period after such conviction as the presiding Justices may order, the person offending shall be liable to further prosecution or prosecutions as in the first instance.

2. No person shall erect any building consisting of bark, or roofed with that material or with calico or any inflammable material, within the populous portion of the Municipality except by express permission of the Council, and then for a temporary purpose only. Any person so offending shall on conviction be liable to a penalty of not more than ten pounds, and shall be bound to remove the said building within such period as the Council may determine.

3. Any person who shall knowingly allow fire, gunpowder, or any kind of combustible or inflammable matter or thing whatsoever to be kindled, stored, or placed on, in, or about any portion of his premises or premises over which he has control, in any manner as to endanger contiguous buildings or the public safety, shall upon conviction for every such offence forfeit a penalty of not more than five pounds, and shall be further liable on conviction to a like penalty for every twenty-four hours he shall allow the said fire, gunpowder, or combustible or inflammable material to remain in or about his said premises after the first conviction.

4. Any person who shall wilfully set fire to any grass, stubble, or other inflammable matter whatsoever in the open air, without giving twenty-four hours' notice at the least of his intention to do so to the owners or occupiers of adjoining properties, or who having given such notice shall proceed to burn such grass, stubble, or other matter at any time than between the hours of eight o'clock in the morning and four o'clock in the evening, shall be liable upon conviction to pay a penalty of not more than five pounds.

5. Any person who shall throw hot ashes or live coals adjacent to any buildings or fences shall upon conviction be liable to a penalty not exceeding five pounds.

6. Every person who shall set, or cause to be set, on fire any chimney, flue, smoke-vent, or stove-pipe, shall be liable to a penalty not exceeding five pounds.

7. If any chimney actually catch or be on fire through carelessness or neglect, the person occupying or using the premises in which such chimney is situated shall forfeit a penalty not exceeding forty shillings.

Rubbish.

[The Council to appoint Depôts.]

The Council may from time to time by regulation or regulations appoint depôts wherein the contents of cesspools, cesspits, and other offensive matter shall be deposited, taking every precaution so that it shall not become a nuisance or injurious to health: Provided also, that nothing herein contained shall prevent the said Council from making arrangements to deposit night-soil on private lands or disposing of such by sale or otherwise, if such deposits or sales be made in accordance with the general provisions of these By-laws; and any person or persons depositing the contents or any part of the contents of any closet, privy, cesspool, cesspit, or night-soil pans, or any offensive matter or rubbish in or upon any place within the said Municipality, other than such depôt or depôts as aforesaid, shall for each such offence be liable to a penalty not exceeding five pounds.

Management of streets, roads, pathways, &c.

1. No person shall cut up or open the surface of any road, street, or thoroughfare within the Municipality under any pretence whatsoever, without permission in writing first had and obtained from the Council, under a penalty not exceeding five pounds.

2. No person shall wilfully or negligently do or cause to be done any damage to the curbing, streets, pathways, roads, or gutters of the Municipality, nor drive any wheeled vehicle, nor ride, lead, or drive any horse or horses, cattle or other animals upon or over the footpaths, under a penalty not exceeding five pounds nor less than five shillings.

3. No person shall be allowed to remove loam, sand, gravel, or other material from any reserve or other lands of the Municipality without authority in writing of the Council or their duly appointed officer, under a penalty not exceeding two pounds; any person offending against this By-law shall be liable to a penalty not less than one pound or more than forty shillings. The driver of any vehicle shall for the purpose of the By-law be held and taken to be the owner thereof until the contrary be shown.

4. Any person or persons throwing or discharging any stone or other missile by hand or from a catapult or other instrument in any street, lane, alley, or public place within the Municipality, shall be liable to a penalty of not less than two shillings and sixpence nor more than one pound.

5. Any person or persons discharging firearms, fireworks, or any other explosive whatsoever in or upon any of the streets or thoroughfares of the Municipality shall be liable to a penalty not less than five shillings nor more than three pounds.

6. Any person or persons riding or driving over any bridge which is or shall be under the control of the Council, or riding or driving into or out of any yard or alley abutting on any street or road within the Municipality shall do so at a walking pace; any one offending against this By-law shall on conviction be liable to a penalty of not less than five shillings nor more than two pounds.

7. No person shall be permitted to erect any building or erection to the front of any street, or construct any awning or verandah extending over the footpaths, without first serving upon the Mayor notice in writing of his or her intention so to do, describing the situation for the proposed building, erection, or construction, and receiving an authority from the Council to proceed with the proposed work; and such awning or verandah must be not less than seven feet above the height of the footpath in front of such shop or dwelling; and the posts of such awning or verandah must be placed in the curb at the outer edge of such footway. Any person putting up such awning or verandah, and failing to send such notice or receive such authority, to be liable to a penalty not less than one pound and not exceeding ten pounds.

8. No person shall construct any road, street, pathway, or public thoroughfare, by building material, drays, carts, or anything calculated to prevent a free passage to persons using the said passages, nor leave waterholes, excavations, or cellars, or dangerous openings of any kind whatever, whereby the public safety shall or may be endangered, without sufficient fencing or other means of security against risk to individuals, nor allow any obstruction necessarily erected to remain without providing lights thereat to prevent accidents, between sunset and sunrise, under a penalty not exceeding five pounds.

9. No person shall encroach beyond the building line in any street or lane by any building or other erection, door steps, fencing, or any other obstruction whatsoever; nor place, hang, or expose for sale beyond such line aforesaid, on the footpaths or streets, carts, parcels, packages, merchandise, or produce of any kind whatsoever, to the obstruction of the public, under a penalty not exceeding five pounds for any such offence.

10. If any person shall haul or draw, or shall cause to be hauled or drawn, upon any street, road, or public place, any timber, stone, or anything, otherwise than upon wheeled carriages; or shall suffer any timber, stone, or other thing carried principally or partially upon wheeled carriages, or drag, or trail, upon any part of such streets or public places, to the injury of the same, every person so offending shall upon conviction in a summary way forfeit and pay for every such offence a sum not exceeding forty shillings over and above any ascertained damage occasioned thereby: Provided such penalty and damage do not exceed upon the whole fifty pounds.

11. Every person having or ordinarily using any well on or near his premises, and situate in an open or exposed place or position, shall have the same securely covered over to prevent accidents; and every person who, having a well uncovered, shall fail after twenty-four hours' notice to secure it as aforesaid, shall on conviction forfeit and pay the sum of ten shillings, and shall be further liable to a penalty of five shillings for every day the said well shall be left insecure or open after the delivery of the aforesaid notice.

12. If the driver of any waggon, dray, or cart, the animals drawing the same not being under the guidance and control of reins, shall within the Municipality ride upon such vehicle without having some one near and on foot to check and manage the said animals; or if the driver of any vehicle whatever shall negligently be at such a distance therefrom or in such a situation that he or she cannot have the direction and government of the animal or animals drawing the same; or if the driver of any vehicle shall stop in any street or thoroughfare in the Municipality for the purpose of loading or unloading or otherwise and shall leave the same without having first locked one or more of the wheels of such vehicle; or if the driver of any vehicle meeting another shall not keep on the left or near side of the road, street, or thoroughfare, or shall in any manner wilfully prevent another driver or other person or persons from passing him or her, or by negligence or impropriety shall in any way interrupt or interfere with the

free passage of the road, street, or thoroughfare aforesaid, he or she so offending shall upon conviction be liable to a penalty not exceeding two pounds nor less than ten shillings.

13. Every person driving any vehicle within the Municipality of Balranald between sunset and sunrise shall carry a light on such vehicle in a conspicuous place; any one offending against this By-law shall be liable to a penalty not exceeding one pound.

14. No person or persons shall allow any dirty water or any liquid which is unwholesome or offensive to flow from premises over or under any footpath to the water table in the streets; any person offending against this By-law shall be liable to a penalty not exceeding two pounds.

Damaging trees, shrubs, and other property.

1. Any person who shall wilfully cut down, destroy, or remove any tree or timber shrub or bush in or upon any road, street, thoroughfare, court, market, or reserve within the Municipality without the permission of the Council, shall be liable to a penalty not exceeding five pounds.

2. Any person wantonly or maliciously breaking or injuring any lamp-post or street name-plate, or extinguishing any light set up for public convenience, or damaging any Corporation property whatsoever, shall be liable to a penalty of not less than twenty shillings nor more than five pounds, to be recovered in a summary way before two Justices in Petty Sessions.

3. Any person who shall hang or attach any horse or other animal to any of the enclosures made to preserve trees and shrubs within the Municipality, or otherwise remove or destroy any of such enclosures, shall forfeit and pay a penalty not exceeding five pounds.

Regulating Free Library.

The Free Library shall be established and conducted in a suitable place to be obtained by the Council for that purpose. It shall be open to the public every day except upon Sunday, Christmas Day, and Good Friday, between the hours of two and five o'clock in the afternoon, and seven and ten in the evening. The Council to have the power of appointing a Librarian to take charge of the said Library, to maintain order and generally insure the comfort of visitors.

Relating to public vehicles.

1. No vehicle shall ply for hire, nor shall any person act as the driver or the conductor of any such vehicle within the Municipality of Balranald unless licensed in the manner hereinafter described.

2. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in form of Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the Council Clerk; and the Mayor or the By-law Committee may grant a license for such vehicle, specifying the number of passengers such vehicle is licensed to carry, or to drive or to conduct a vehicle upon payment of the license fee as prescribed in Schedule C hereto.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor, shall be unsafe, or in bad repair or otherwise unfit for the accommodation and conveyance of passengers.

4. Licenses for proprietors and drivers of vehicles shall be in the form of Schedule B hereto, or to the like effect.

5. Every license granted under these By-laws shall be in force from date of such license until the thirty-first of December or the thirtieth of June the next ensuing, and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be specified by endorsement on the license under the hand of the Mayor or Council Clerk.

6. Licenses may be renewed each year or half-year by endorsement thereon, under the hand of the Mayor or Council Clerk, if the person applying for the renewal of such license be approved by the Mayor, and the vehicle for which such renewal is required is in good repair and approved by the Mayor.

7. For every such license and renewal thereof there shall be paid to the Council Clerk, for the benefit of such Municipality, the several rates set forth in Schedule C hereto.

8. No license shall be granted to any person to drive any vehicle unless he be fifteen years of age.

9. All licenses shall be made out by the Council Clerk or an officer of the Council, and numbered consecutively.

10. No proprietor shall be at liberty to part with or lend his license to any person without the knowledge and approval of the Mayor or the By-law Committee and the registry of the name of the purchaser in the books of the Council.

11. The person or persons in whose name a license shall appear to have been obtained shall be deemed to be the owner or owners of the vehicle in respect of which the same shall have been taken out.

12. The license of the proprietor or driver of any vehicle may be suspended by the Mayor, who shall report such suspension at the next regular meeting of the Council, and such license then, by resolution of the Council, may be revoked.

13. The By-law Committee or the Mayor shall, as often as they or he may deem it necessary, cause an inspection to be made of all licensed vehicles, or of any such licensed vehicles, and of the harness and horse or horses used in drawing the same; and if any such vehicle, horse or horses, or harness shall at any time be found by them or by him to be unfit for public use, notice of the same shall be given by the Inspector of Vehicles to the proprietor of such vehicle, and if after such notice he shall use or let to hire such vehicle, or suffer the same to be used or let until the same, or the harness or horse or horses used in drawing the same, as the case may require, shall be in a fit condition for public use, the By-law Committee or the Mayor may suspend for such time as they or he may deem proper, the license of such vehicle; and in case any person shall neglect or refuse to attend with his licensed vehicle before said Committee or Mayor at such time and place as he may be called upon, either by letter or notice in one of the local papers, for the purpose of having the same inspected, the said Committee or Mayor may suspend the license of such vehicle.

14. The number of the license granted for every licensed vehicle shall be affixed thereon in figures not less than two inches in height, white upon a black ground, in some conspicuous part of such vehicle.

15. No vehicle shall ply for hire within the said Municipality unless there shall be painted the number of the license of such vehicle and the number of persons such vehicle is licensed to carry, according to these By-laws, in words at length in the following form, that is to say, licensed to carry inside, and outside.

16. No vehicle shall be allowed to carry at one time a greater number of passengers in the inside or upon the outside thereof than the same shall be licensed to carry. The driver of any vehicle infringing this By-law shall be liable to a penalty not exceeding five shillings for each passenger carried in excess of the number which the vehicle is licensed to carry.

17. Any person having taken his or her seat in any licensed vehicle, and not paying the fare when demanded during the ride, shall on conviction forfeit or pay to the owner or driver of such vehicle an amount equal to three times the fare chargeable, in addition to such fine as the convicting Justices may inflict, not exceeding forty shillings.

18. Every driver whilst engaged in taking up or setting down any passengers, shall, during such taking up or setting down, place his vehicle as near as conveniently may be on that side of the street, and at a line with the curbing or edge of the foot-path at which the taking up or setting down is required.

19. The driver of every licensed vehicle shall be constantly attendant upon the same when standing or whilst plying or engaged for hire.

20. Every licensed vehicle plying or engaged after sunset must be provided with a light on each side, and shall keep the same lighted until sunrise, if so long plying or engaged.

21. The owner of every licensed vehicle at the time of obtaining the license for the same, and every driver of any such vehicle at the time of registering his license shall, without charge, have a printed copy of this part of these By-laws delivered to him, certified by the signature of the Council Clerk.

22. Such person or persons as may from time to time be in that behalf appointed by the Council, shall be Inspector or Inspectors during the pleasure of the said Council of all licensed vehicles plying for hire within the Municipality; and such Inspector or Inspectors shall every three months examine all such vehicles, and shall at all times see that as far as possible these By-laws are duly observed.

23. For every offence against the provisions of this part of these By-laws to which no specific penalty has been attached herein the offender shall pay a penalty not exceeding £5.

Closets.

1. All closets, earth-closets, privies, cesspools, and cesspits, within the Municipality of Balranald, shall be constructed and kept in such a manner as not to be a nuisance or injurious to health, and so that there shall be no overflow or soakage therefrom, and where practicable no cesspit or cesspool shall be situated within 25 feet of any dwelling, public thoroughfare, or roadway within the Municipality.

2. From and after the publication of these By-laws in the New South Wales Government Gazette there shall not be formed, dug, or excavated, any pit, hole, or excavation, within the Municipality of Balranald, for the reception of night-soil; and all privies and closets made and constructed after such publication shall be fitted and provided with a movable water-tight receptacle or pan for the reception of night-soil: Provided always that it shall be lawful for the Council of the said Municipality to grant permission to any person to construct closets with cesspits in thinly populated parts of the said Municipality, such cesspits to be constructed in such manner as the said Council shall direct; and any person by whom or by whose authority any such pit, hole, or excavation shall be formed, dug, or excavated within the said Municipality without such consent as aforesaid, shall be liable to a penalty not exceeding £20 and not less than 10s.

3. A separate closet shall be provided for every dwelling-house within the said Municipality, and where two or more closets adjoin each other there shall be a properly constructed dividing wall between each closet and that of those adjoining, and each such wall shall reach from the floor to the apex of the roof.

4. Whenever any closet, cesspool, cesspit, or urinal, within the Municipality shall be in such a state as to become injurious to public health, or a nuisance, or opposed to common decency, it shall be lawful for the Inspector of Nuisances of the said Municipality to give to the owner or occupier of the premises on which such closet, cesspool, cesspit, or urinal shall be situated a notice in writing to amend, clean, or alter the same in such manner as in the said notice shall be directed, and any owner or occupier neglecting or refusing to comply with the requirements of such notice for the space of forty-eight hours after service thereof shall be liable to a penalty not exceeding two pounds; and it shall be lawful for the said Council after the expiration of such period of forty-eight hours to cause such amendment, cleansing, or alteration to be made and effected, and the cost and expense thereof shall be recoverable by the said Council from the said owner or occupier as money paid for and at the request of such owner or occupier.

5. No cesspit, cesspool, closet, or privy, within the Municipality shall have connected therewith or attached thereto any drain, opening, pipe, or other appliance capable of being used for the purpose of discharging the contents thereof upon or under the surface of any adjoining ground, or into any drain or sewer; and any owner or occupier of premises on which any such cesspit, cesspool, closets, or privy, shall exist who shall permit or suffer such contents to be discharged as aforesaid, or shall wilfully suffer such drain, opening, pipe, or appliance to exist shall be liable to a penalty not exceeding two pounds.

6. The contents of cesspools, cesspits, privies, closets, pans, and other receptacles for night-soil shall be removed in properly constructed water-tight carts or water-tight tanks by nightmen licensed by the said Council, and only during the night-time between the hours of twelve o'clock midnight and five a.m.; and every person removing night-soil without having obtained such license or removing night-soil in carts, tanks, or receptacles which are not water-tight, or in such a manner that such night-soil or any part thereof may in the course of such removal flow over or upon the ground, or removing night-soil in the evening before midnight or in the morning after five a.m., shall be liable for each such offence to a penalty not exceeding five pounds.

7. It shall be lawful for the said Council to grant licenses to nightmen authorizing them to carry on the business of removing night-soil; and an annual fee of £1 shall be paid by such nightmen in respect of each cart used by him in such work.

8. The said Council may from time to time appoint one or more depôt or depôts within the said Municipality for the reception of night-soil and other offensive matters; and any person depositing the contents or any part of the contents of any closet, privy, cesspool, cesspit, or night-soil pans in or upon any place within the said Municipality other than such depôt or depôts as aforesaid, shall for each such offence be liable to a penalty not exceeding five pounds.

9. It shall be lawful for the Inspector of Nuisances of the said Municipality at any time to inspect any closet, privy, urinal, cesspit, or cesspool within the said Municipality, and for that purpose to demand admission to any premises, and any person without reasonable excuse refusing admission to the said Inspector, or preventing or obstructing him from or in making such inspection, shall be liable to a penalty not exceeding two pounds.

10. Every person intending to erect or construct any closet, privy, or urinal within the said Municipality, shall give to the Inspector of Nuisances for the said Municipality notice in writing of such his intention, such notice to be given not less than twenty-four hours nor more than seven days before proceeding to construct or erect the same; and any person proceeding to erect or construct any closet, privy, or urinal within the said Municipality without having given such notice shall be liable to a penalty not exceeding £5 (five pounds).

11. Licensed nightmen for the removal of night-soil shall, under the direction of the Inspector of Nuisances, make a trench or trenches on the depôt or depôts appointed for night-soil, and shall deposit it in such trench or trenches all night-soil which shall from time to time be taken to such depôt or depôts, and shall cover the whole of such night-soil with earth to a depth of two feet and with disinfectants so as to prevent any nuisance or offensive effluvia from arising therefrom; and any nightman or other person who shall deposit night-soil or other offensive matter in any such depôt otherwise than in such trench or without covering or dedorising the same in manner aforesaid shall be liable to a penalty not exceeding five pounds (£5).

Slaughter-houses, &c.

1. No person shall be permitted to slaughter cattle, sheep, pigs, intended for sale within the Municipality, except at a duly licensed slaughter-house; any person offending against this By-law shall be liable to a penalty not exceeding one pound.

2. Nothing herein contained shall extend to or affect any person or persons slaughtering at his or her or their own residence within the Municipality animals for his or her or their family, servants, or labourers.

3. It shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council, as often as he shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, breweries, fellmongering and wool-washing establishments or manufactories within the Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, &c., as aforesaid, both within and without, as to him shall seem needful; and any owner or occupier of any such shambles, &c., as aforesaid who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Swine not to be kept.

Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other hereditament situate and being in or within seventy yards of the town boundary, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Noisome weeds.

Every owner or occupier upon whose land or premises are found growing any weeds known as the Bathurst burr, Scotch thistle, or other noisome weeds, shall, on being required by the Inspector of Nuisances or any other officer of the Council, cause the same to be destroyed, failing which shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Urinals to be constructed.

Each hotel and boarding-house shall be provided with one or more urinals, constructed to the satisfaction of the Council.

SCHEDULE A.

To the Municipal Council of Balranald.
I, _____, residing in _____ street, do hereby request that a license may be granted to me for _____ within the Municipality.

Dated _____ 188 .

SCHEDULE B.

This is to certify that _____ is hereby licensed to carry _____ within the Municipality of Balranald from the date hereof to the _____ next, subject nevertheless to all and every of the By-laws, Rules, and Regulations in force relating hereto.

Given under the seal of the Municipality of Balranald, this _____ 188 .

Council Clerk.

Mayor.

SCHEDULE C.

	s.	d.
For every 4-wheeled vehicle, per annum.....	5	0
For " 2 " " " " " " "	5	0
For " 4 " " " " for 6 months	2	6
For " 2 " " " " " " "	2	6
For " 2 " " " " " " "	5	0
Licenses to drive per annum.....	5	0
Licenses to drive for 6 months.....	2	6

Made and passed by the Municipal Council of Balranald this twenty-fifth day of April, in the year of our Lord 1887.

RICHARD BEATY,
Council Clerk.

(L.S.) W. O. CLOSE,
Mayor.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF BOWRAL—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 6th January, 1888.

MUNICIPAL DISTRICT OF BOWRAL.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Bowral, under the "Municipalities Act of 1867" and "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

HENRY PARKES.

BY-LAW in lieu of No. 1, Part I, of the By-laws of the Municipal District of Bowral, confirmed by His Excellency on the 3rd day of February, 1887, and published in Supplement to Government Gazette No. 67, repealed by the Council 15th July, 1887.

The ordinary meetings of the Council shall be held on every alternate Thursday, at the hour of 7:30 p.m., or on such other day and at such hour as the Council may by resolution from time to time appoint. If the appointed day happen to be a public holiday, then on the next lawful day.

Passed and adopted by the Council of the Municipal District of Bowral, on the fifteenth day of July, one thousand eight hundred and eighty-seven, as a By-law of the said Municipal District.

Seal has been affixed by order of the Council, in the presence of,—

(L.S.) JOHN HODGSON, Mayor.
W. J. OSBORNE, Council Clerk.

24th August, 1887.

ADDITIONAL By-laws passed by the Bowral Municipal Council, 12th August, 1887.

1st. Any person or persons who shall stand, run, roll, drive, draw, or cause, permit, or suffer to be stood, run, rolled, driven, or drawn upon any of the footways of any street or public place within the Municipality any waggon, cart, dray, sledge or other carriage, or any wheel, wheel-barrow, hand-barrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, ride, tether, or tie up any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than one pound, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle, or horse, mule, or other beast refuse to give his name and address, the owner of the same may be prosecuted under the By-law for causing a breach of the same.

2nd. Every person whilst driving, leading, or riding upon any cart, carriage, wain, waggon, buggy, or other vehicle drawn by any horse, ass, mule bullock, or other animal or animals, or riding on any bicycle or similar machine through any part of the Municipality, between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the offside of such cart, wain, buggy, or other vehicle, under a penalty of ten shillings for the first offence, and for every subsequent offence not less than one pound nor exceeding ten pounds.

Seal affixed by order of the Council, in the presence of,—

(L.S.) JOHN HODGSON, Mayor.
W. J. OSBORNE, Council Clerk.

24th August, 1887.

BY-LAWS made by the Municipal Council of Bowral, in accordance with the provisions of the Nuisances Prevention Act, 1875.

1. On and after the first day of November, in the year of our Lord one thousand eight hundred and eighty-seven, no person or persons shall be permitted to have any open closet or cesspit for the deposit of faecal matter without the consent of the Council, and any person or persons allowing any such closet or cesspit to remain after receiving seven days' notice to fill, cover, or remove the same to the satisfaction of the Council, shall forfeit a sum not exceeding five pounds, nor less than one pound; and after conviction for the offence, if such closet or cesspit be not filled, covered, or removed to the satisfaction of the Council, shall forfeit a further sum of not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

2. All persons who shall, on the day that these By-laws come into force, have any open closet or cesspit on their premises, and receive due notice to fill, cover, or remove the same to the satisfaction of the Council, shall cause the same to be properly emptied by the Council's contractor previous to the filling, covering, or removal of such closet or cesspit. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

3. On and after the date that these By-laws come into operation, all closets shall be constructed on the dry-earth system or with cesspits, such cesspits to be constructed on a plan and according to a specification to be approved of and adopted by the Council. The superstructure shall be of the following dimensions:—Walls, 7 feet high, internal width not less than 3 feet 6 inches; internal length not less than 4 feet 6 inches. A door shall be provided capable of being fastened on the inside. The floor of dry-earth closets under the seats shall be cemented, and the seat constructed to permit a bucket or pan not exceeding one and a-half cubic feet in measurement to be placed underneath the same for the reception of faecal matter. To permit the removal of the bucket or pan for the purpose of emptying the same, the seat shall be constructed so as to lift up, or a door provided at the rear of the closet. The pan or bucket shall be provided with handles.

4. If, in the opinion of the Inspector of Nuisances or any other officer appointed by the Council on that behalf, any alterations shall be requisite for preserving health or decency in the case of any existing cesspit or closet, the owner or occupier of the premises on which such cesspit or closet exist shall receive twenty-one days' notice to remove or alter the same, and in default such owner or occupier shall be liable to a penalty of not less than one pound nor exceeding three pounds for each and every week, or portion of a week, during which they shall fail to comply with the terms of such notice.

5. All persons shall use the closets solely for the purpose of deposit of faecal matter and human excrement, and shall cover such deposit with sand, lime, ashes, earth, or other such material. In case of any infectious disease occurring in the household of persons using the said closets, a sufficient quantity of some efficient disinfectant shall be used in a manner to be directed by the Inspector of Nuisances; and any person who shall wilfully deposit, or cause to be deposited, any faecal matter or excrement in such closet without duly disinfecting the same, shall be liable to a penalty of not more than three pounds nor less than one pound.

6. A separate closet shall be provided for each tenement. In schools or factories where a number of persons shall be employed separate closets shall be provided for each sex, with a door to fasten on the inside. Where two or more closets adjoin each other there shall be a dividing wall between each, to effect a complete separation. Any person or persons infringing this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds.

7. The night-soil shall be removed by contract, in properly constructed water-tight carts, between such hours as the Council may determine, and the contractor shall be held responsible for the careful conveyance of the night-soil to the appointed depot, and shall dispose of the same by burying in the earth a sufficient depth, and covering the same with earth, so as to prevent any nuisance arising therefrom, under a penalty for neglect not exceeding twenty pounds nor less than five pounds.

8. If the night-soil, or any portion thereof, shall be sold or given away by the Council, the person removing the same shall do so only at such times and in such manner as the Council may direct, and shall dispose of the same so as not to cause any nuisance, and the person purchasing or obtaining it shall be held responsible for the same, under a penalty not exceeding ten pounds nor less than two pounds.

9. The Inspector of Nuisances shall have power to visit and inspect any premises on any lawful day, between the hours of 10 a.m. and 4 p.m.; and any person refusing admittance, or obstructing or hindering the officer in the discharge of his duties, shall incur a penalty not exceeding five pounds nor less than one pound.

10. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied as often as may be necessary in the opinion of the Council.

11. No closet shall be erected, or commenced to be erected, except in such place or position as shall be approved of by the Council or Inspector of Nuisances; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

12. When any new building is about to be erected, the builder or builders thereof shall first erect or cause to be erected on the premises a temporary closet not less than 3 feet by 2 feet 6 inches and 6 feet high (where such convenience does not already exist and is deemed necessary by the Council or Inspector of Nuisances) for the use of the workmen employed in the construction of the new building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

13. Persons requiring their closets emptied shall send written notice to the Council or Inspector of Nuisances, and any person wishing to use the refuse from dry-earth closets shall be at liberty to do so by obtaining Council's consent and making proper provision for emptying the same to the satisfaction of the Inspector of Nuisances; and any person causing a nuisance from the careless use of such closet shall be liable to a penalty not exceeding five pounds nor less than one pound.

14. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to construct new, or alter existing closets, to enable the Inspector of Nuisances to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; the closets constructed without such notice being given must be removed or altered if judged necessary by the Council, under a further penalty not exceeding two pounds nor less than five shillings for each and every day they may remain unremoved or unaltered after due notice to that effect.

15. The Inspector of Nuisances shall furnish the Council with a monthly return showing the number of closets emptied, the amount due and payable for each closet, and the amount of arrears due for emptying closets. He shall collect the amounts so due and payable, and account therefor to the Council at least once in every month, or as may be determined upon by such Council.

16. The maximum penalty for a breach of any of these By-laws or any other By-laws which may be made and come into force shall for every breach or offence be five pounds, and the minimum penalty one pound, unless otherwise provided for.

Passed and adopted by the Council of the Municipal District of Bowral on the fifteenth day of July, one thousand eight hundred and eighty-seven, as the By-laws of the Municipal District, under the Nuisances Prevention Act, 1875.

The seal has been affixed by order of the Council, in the presence of,—

(L.S.) JOHN HODGSON, Mayor.
W. J. OSBORNE, Council Clerk.

24th August, 1887.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF DUBBO—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office, Sydney, 6th September, 1887.

MUNICIPAL DISTRICT OF DUBBO.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Dubbo, under the "Municipalities Act of 1867," the "Nuisances Prevention Act, 1875," and the "Dubbo Cattle Sale-yards Act of 1884" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BY-LAWS for regulating the proceedings of the Council of the Municipal District of Dubbo, and the duties of the officers and servants of such Council; for preserving order at meetings of the said Council; for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances and houses of ill-fame; for compelling residents to keep their premises free from offensive or unwholesome matters; the killing of cattle, and sale of butchers' meat; opening new public roads, ways, and parks; aligning and cleansing roads and streets; sewerage and drainage; lighting; preserving trees and shrubs; generally controlling and managing public reserves; regulating the bathing or washing the person in any public water near a public thoroughfare; preserving public decency; providing for the health of the Municipality; restraining noisome and offensive trades; regulating and licensing public carriers, carts, and public vehicles, and the drivers and conductors of the same; carrying out the provisions of Nuisance Prevention Act, and Dubbo Cattle Sale-yards Act, and regulating other sale-yards within the Municipality; and generally maintaining the good rule and government of the said Municipal District.

PART I.

PROCEEDINGS of the Council and Committees.—Preservation of order at Council Meetings.—Duties of officers, servants, &c.

Ordinary meeting.

1. The Council shall meet for the transaction of business every alternate Monday, at 8 o'clock in the evening, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present (being a quorum) shall proceed to elect from themselves a Chairman to preside at such meeting during the absence of the Mayor.

Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the Aldermen present shall be taken down and shall be recorded in the minute book by the Council Clerk or other person who may have been appointed his substitute.

Order of business at all meetings of the Council other than special meetings.

Business of ordinary meetings.

1. The minutes of the last preceding meeting to be read by the Council Clerk or his substitute, corrected if erroneous, and signed by the Mayor or Chairman. No discussion to be permitted on such minutes except as to whether they are correct.
2. Correspondence to be read, and orders made thereon if expedient.
3. Petitions (if any) to be read and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
5. Questions as to matters under the jurisdiction, or within the official cognizance of the Council, to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made.
6. Motions of which notice has been given to be dealt with in the order in which they stand on the business-paper.
7. Orders of the day to be disposed of as they stand on the business-paper.

Business may be taken out of regular order.

3. Provided that the Council may, by resolution without notice, entertain any particular motion, or deal with any particular matter of business, out of its regular order on the business-paper, without any formal suspension of this section, and may in like manner direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the minutes shall be first read and signed in the same manner as at an ordinary meeting, and the business shall be taken in such order as the Mayor, or other the person presiding as Chairman, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting.

5. The business-paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk, or other the person acting as his substitute, not less than two nor more than three days before the day appointed for such meeting. He shall enter on such business-paper the substance of every notice of motion, and of every requisition or order, as to business to be transacted at such meeting, which he may have received, or shall have been required or directed so to enter, in due course of law and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 3 of this Part of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Business-paper for special meeting.

6. The business-paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business-paper for such meeting, and shall embody the substance of such business-paper.

How business-paper to be disposed of.

8. The business-paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business-paper of the mode in which each matter entered thereon has been dealt with, and such business-paper so noted shall be a record of the Council.

Notices, &c., to be the property of the Council.

9. After the business-paper shall have been made up as aforesaid, all notices of motion, requisitions, and directions, as to which entries have been made thereon shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and amendment.**Motions how to be made.*

10. Except by leave of the Council, motions shall be moved in the order in which they stand on the business-paper, and if not so moved or postponed, shall be struck from such business-paper, and be considered to have lapsed.

Absence of proposed mover.

11. No motion of which notice shall have been entered on the business-paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-mentioned Alderman.

Motion to be seconded.

12. No motion in Council shall be discussed unless and until it be seconded.

Amendment may be moved.

13. When a motion or amendment shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

14. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

15. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended Question—Further amendment may be moved thereon.

16. If any amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

17. If any amendment either upon an original question or upon any question amended as aforesaid shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on. Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

18. No motion for adjournment of the Council shall be discussed. If seconded such motion shall be put at once. If negatived no similar motion will be permitted to be made until half-an-hour has elapsed after moving the one that has been negatived, and the subjects on the business-paper shall be proceeded with in order.

Requisitions from Aldermen how to be dealt with.

19. Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman that such business be taken into consideration by the Council; and he shall, if present, be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto which shall be consistent with the notice of such business and with good order. And when any such motion shall have been made it shall be dealt with in precisely the same manner as if notice thereof had been given, subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business, or with good order. And if no motion shall be made by such Alderman in reference to such business, the entry relating thereto shall be struck from the business-paper.

*Orders of the day.**Of what orders of the day shall consist*

20. The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or Chairman or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

21. The Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that the Mayor or the Chairman for the time being may, as to any order of the day entered by his direction, arrange with and call upon any Alderman to move the same. And section 18 of this "Part" of these By-laws shall be considered applicable to order of the day.

*Petitions.**Aldermen's duties with respect to petitions.*

22. Every Alderman presenting a petition shall prior thereto acquaint himself with the contents thereof, and shall ascertain that it does not contain language disrespectful to the Council.

Petitions how received.

23. All petitions shall be received only as the petitions of the parties signing the same.

How petitions to be dealt with.

24. No motion other than for the reception of a petition shall, unless as hereinafter provided, be permissible on the presentation thereof, except that the same be referred to a Committee, or that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to the subject of any petition, or if the consideration of the subject of any petition shall have been made an order of the day, and such petition shall have been presented before such motion or order of the day shall have been called on, such order of the day or the said motion, if otherwise unobjectionable, shall be considered in order.

Correspondence.

25. The Mayor or Chairman for the time being shall have the same duty in reference to letters addressed to the Council before directing the same to be read, as by section 23 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. If not read to be returned to the writer and reported to the Council. The Mayor or Chairman for the time being shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council or any of its officers shall be presented or read by any Alderman. If the Mayor be absent and shall not have examined any such letters, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 23 to apply to letters.

26. Section 23 of this "Part" of these By laws shall be considered as fully applicable to letters addressed to the Council or any of its officers as to petitions.

*Reports from Committees and Minutes from the Mayor.**Form of Report.*

27. Every report from a Committee shall be in writing, and signed by the Chairman of such Committee, or in his absence, by some member of the same.

Mayor's minutes.

28. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or its official cognisance, by a minute signed by him.

How reports, &c., are to be dealt with.

29. On the presentation of a report from a Committee, or a minute from the Mayor, no motion shall be permissible except that the same be received and that its consideration stand an order of the day for some future meeting: Provided that if any Alderman shall have given due notice in reference to any such report or minutes or if the consideration of such report or minute shall have been entered among the orders of the day, such orders of the day or such motion may be moved and considered in due course. If any such report or minute embodies any matter which cannot legally be carried out without due notice, and it is desirable that such report or minute shall be ordered upon during the meeting of the Council, at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of the Mayor as the case may be, to give or transmit to the Council Clerk, such a notice of motion, requisition, or direction as aforesaid, as will enable the Council Clerk to make the necessary entry on the business-paper and to give such due notice.

Questions and Statements.

Limitations as to questions and statements.

30. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of these By-laws relating to the order of the business of the Council.

Notice of questions to be given and answers optional.

31. Twenty-four hours' previous notice in writing of every question shall be given to the person who is expected to reply thereto, and it shall be optional with the person so questioned as aforesaid, whether he will or not answer the question so put to him.

Questions to be put without argument.

32. Every such question must be put categorically without any argument or statement of fact.

Similar provision as to statements.

33. Every such statement must be made without argument.

No discussion on question, &c., right of objection, and of subsequent motion reserved.

34. No discussion shall be permitted as to any question, or as to any reply or neglect or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice as hereinbefore provided, or any matters properly arising out of or relating to any such question or reply, or neglect, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council.

35. Every Alderman who shall make or second any motion, or shall take part in any debate or discussion, or shall put or reply to any question, or make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall while so doing stand up in his customary place (unless he shall be prevented from doing so by reason of illness or some bodily infirmity), and shall address himself solely and exclusively to the Mayor or other Chairman then presiding: Provided that in the case of a question, such a question may by direction of such Mayor or Chairman be put directly to the Alderman or Officer to be questioned, and may be replied to in a like manner, but in every such case the question so put and the answer thereto shall be subject to every legal objection on the ground of disorder or irrelevancy, and all members of the Council shall on all occasions when in such Council address and speak of each other by their official designations as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted.

36. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speakers.

37. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion and to any amendments moved thereon, as well as a right to speak upon every such amendment, every Alderman other than the mover of such original motion shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak longer than fifteen minutes nor oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purposes of such explanation.

Mover and seconder.

38. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observations than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress.

39. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to any other Alderman.

Adjournment of Debate.

40. A debate may be adjourned to a later hour of the day or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor or Chairman to decide as to pre-audience.

41. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman for the time being shall decide which of such Aldermen shall be heard first.

Mayor or Chairman to decide point of order.

42. The Mayor or Chairman for the time being shall preserve order, and his decision on disputed points of order or practice shall be final.

Mayor or Chairman may address the Council.

43. The Mayor or Chairman for the time being shall have the same right as any other Alderman to speak upon every subject or amendment, and shall be subject to the same rules as to rising when speaking.

Alderman may require question to be stated, &c.

44. Any Alderman may request the matter or question under discussion to be stated or read for his information, or may require the production of any records of the Council bearing upon any such question or matter. No such request or requisition shall be made so as to interrupt any Alderman when speaking.

Questions of Order.

Mayor may call members to order.

45. The Mayor or Chairman for the time being may, without the interposition of any other member of the Council, call any Alderman to order whenever in the opinion of such Mayor or Chairman there shall be a necessity for so doing.

Decision of points of order.

46. The Mayor or Chairman for the time being, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motions out of order to be rejected.

47. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected.

Mode of Voting.

How questions to be put.

48. The Mayor or Chairman for the time being shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of the Council thereon.

Division—penalty for refusing to vote.

49. Any Alderman may call for a division, and the votes shall be taken by a show of hands. In such case the question shall be put first in the affirmative and then in the negative, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for, who shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than five shillings or more than two pounds.

Committees of the Whole Council.

Business in Committee.

50. The Business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided as near as the same shall apply, except that it shall not be necessary that any motion or amendment in committee shall be seconded.

Calls of the Council.

How call of the Council to be made.

51. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such call to be compulsory in certain cases.

52. No motion, the effect of which if carried, would be to rescind any resolution, order, or decision of the Council, shall be entered on the business paper unless a call of the Council has been duly made and granted for such purpose.

Mode of procedure.

53. The call shall be made immediately before the motion or business for which such has been ordered, shall be moved or considered, and shall be made as follows:—The Council Clerk shall call the names of all the members in alphabetical order. Each member present shall answer to his name as called, and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse. Further call when question adjourned.

54. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds. Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Motion of revision of previous orders.

55. Whenever a motion, the effect of which if carried would be to rescind any order, resolution, or vote of the Council, shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion.

*Standing and Special Committees.**Standing Committee.*

56. Besides any such special Committee as may from time to time be found necessary, there shall be three standing Committees of the Council, each consisting of not less than three members, namely, a By-law Committee, a Finance Committee, and a Works and Improvement Committee. These committees shall be reappointed every year at the first meeting of the Council which shall be holden after the election of the Mayor.

By-Law Committee.

57. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the by-laws, and of any statute of which the operation has been or may be extended to the Municipality, and shall take such steps as may be necessary for the prevention or punishment of offences against such by-laws or statutes, and for the preservation of public health, order, and decency.

Finance Committee.

58. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time, as to all matters which they may consider to affect the finances of the Municipal District, and as to such matters or subjects of the like nature, as they may be directed by resolution of the Council to inquire and report upon.

Works and Improvement Committee.

59. The Works and Improvement Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, public reserves, and other public places, under the care and management of the Council. They shall also inquire and report from time to time, as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Mode of re-appointing Standing Committees.

60. The re-appointment of the said three Committees may, on resolution of the Council, be made on ballot. In such case a list or lists of the members of each Ward shall be handed to each member present, who shall mark against the name of each such member the title of the Committee to which in his opinion such member ought to belong. And the Mayor or Chairman, for the time being, shall thereupon examine such lists, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to either of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committee.

Chairman of Committee.

61. Every Committee of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee before they proceed to any business, and such appointment shall be for the whole Municipal year unless removed by resolution of the Council.

Records of Committee.

62. The Chairman of such Standing Committee shall make, or cause to be made, in a book to be kept for that purpose, memoranda of all the transactions of such Committee, which book shall be the property of the Council.

*Expenditure.**Cost of Works to be estimated before undertaken.*

63. No works affecting the funds of the Municipality, except as hereinafter is mentioned, shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Certificate required with each claim.

64. No payment shall be ordered for any work or other purpose unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one and has been duly authorised and inquired into.

Cases of emergency and current expenses.

65. For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

- (I.) By order of the Works and Improvement Committee, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
- (II.) By order of the Mayor, for necessary current expenses, to the extent of three pounds.

66. Provided that in every such case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Works and Improvement Committee, or the Mayor and a member of such Works and Improvement Committee, or the Mayor alone, as the case may be, by whom such outlay shall have been authorised. Also that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorised.

*Common Seal and Records of the Council.**Common Seal—How secured.*

67. The Seal shall be secured by a cover or box, which (except when such seal is in use) shall be kept locked, and such seal shall be kept in the Council Chambers in the custody of the Council Clerk. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk.

When and how Common Seal to be used.

68. The seal of the Council shall not be affixed to any document without the express authority of the Council; and every impression thereof so authorised, shall be verified by the signature of the Mayor, and in case of illness or absence of the Mayor, by two Aldermen, countersigned by the Council Clerk: Provided, however, that the Council Clerk may at any time, with the sanction of the Mayor, attach such seal to any deed or document unconnected with the affairs of the Council and requiring to be noted or authenticated by any public official.

How books of accounts, &c., to be kept.

69. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same; but the Mayor or Council Clerk may for any special purpose authorise their removal.

Books, &c., not to be shown or exposed to view without leave.

70. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor, save as is provided for and subject to sections 108 and 181 of the Municipalities Act of 1867 in that respect; any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than ten shillings nor more than two pounds.

Records not to be removed.

71. Any person removing any such book, paper, or record from the Council Chambers, without leave from the Mayor or Council Clerk in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of same, as the circumstances of the case may warrant.

Receipt for documents.

72. Every person removing any document or record with such consent as aforesaid, shall give a receipt under his hand for every such document, which receipt shall be carefully preserved among the records until the document or other record to which it refers shall have been returned, when such receipt shall be destroyed.

Penalty for destroying or defacing records.

73. Any person destroying, defacing, or wilfully or improperly altering any books, papers, or records, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Officers and servants.

Notice to candidates.

74. No appointment to any permanent office at the disposal of the Council shall take place until public notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

75. Every such appointment shall be made by ballot, in such mode as may at the time be determined upon, when there is more than one candidate for such permanent office.

Exceptional cases.

76. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation, to any other permanent office or employment at the disposal of such Council to which no further salary is attached; or to prevent the appointment in like manner of any such officer or servant to any office or employment of which the duties require only occasional attention, and are to be paid for by allowances proportionate to the extent of such duties; or to prevent any similar appointment by the Mayor or by any committee or officer of the Council, of any such officer or servant under the authority of any By-law; or to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipal District.

Bonds for good conduct.

77. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited in such custody as the Council may order; and no member, officer, or servant of the Council shall be received as a surety for any officer or servants.

Duties of Council Clerk.

78. The Council Clerk shall perform all the duties which by the Municipalities Act of 1867, or of any Act amending or extending that same, or by the present or any By-laws, thereunder, he may be required to perform.

He shall be the Clerk of all Revision Courts held in the Municipal District, under the provisions of the Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council, and shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Duties of other officers and servants.

79. The duties of all officers and servants of the Corporation, in addition to the duties which by the present or any other By-laws thereunder they may be required to perform, shall be defined by such regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

80. The Mayor shall exercise a general supervision over all officers and servants of the Council, and may order the preparation of any such return or statement, or the giving of and such explanation or information, by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such return or statement, explanation of information, already given and on record, or unless the Council shall have expressly forbidden, or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanations or information may be either rendered *vis a voce* or put into writing, as the Mayor may direct.

Complaints against officers.

81. All complaints against officers or servants of the Council must be in writing, addressed to the Mayor, and must be in every case signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing or which is anonymous. Any such complaint as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Miscellaneous laws.

Leave of absence.

82. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

83. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by advertisement in some newspaper circulating in the Municipal District.

Drafts of intended By-laws.

84. A draft of any intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same. And public notice shall be given that such draft is so lying for inspection by posting such notice on the outer-door of the Council Chambers for the space of seven days, and by advertising such notice in some newspaper circulated in the Municipal District.

Suits and prosecutions for penalties.

85. Suits or informations for the enforcement of penalties for or in respect of the Municipalities Act of 1867, or of any Act amending or extending the same, or of any By-law made thereunder, or of any Statute the operation of which may be extended to the Municipality, shall be commenced or laid as follows:—

When against a member of the Council or any Auditor or officer of the Corporation by such officer as shall be named for that purpose by the Council; when against any other person by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by such officer or person as shall be appointed for that purpose by the Council or the Mayor, as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought or information laid against any member of the Council or auditor except on the order of the Council or of the Mayor. And the conduct or prosecution of any suit or information may, on the order of the Council or of the Mayor, be entrusted to an attorney.

Mode of proceeding in cases not provided for.

86. In all cases not herein provided for resort shall be had to the rules, forms, and usages, of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend temporarily certain portions of these By-laws.

87. Any of the foregoing By-laws or any portion thereof which relate to or affect the proceedings at meetings of the Council may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and Enforcement of Rates.

Rates when due and payable.

88. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution from time to time appoint, provided that such day or days shall be not less than thirty days after notice of the making or assessing of the said rates has been given under the provisions of the Act.

Time and place of payment.

89. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

90. Every person not paying his or her rates as aforesaid upon the day or days so appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

91. It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default either by action at law or by issuing warrants of distraint upon the goods and chattels of the defaulter.

Bailiff—how appointed.

92. The bailiff of the Municipal District shall be appointed by the Council, and may at any time be removed by it.

Sureties for bailiff.

93. The bailiff shall find two sureties to the satisfaction of the Council to the extent of twenty-five pounds each, for the faithful performance of his duty.

Duties of bailiff.

94. It shall be the duty of the bailiff to make levies by distraint for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

95. All levies and distresses shall be made under warrant in the form of Schedule A hereunto appended, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

96. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five clear days, the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction either on the premises or at such other place within the said Municipal District as the said bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold on demand of such surplus by such owner.

Inventory.

97. At the time of making a distress the bailiff shall make out a written inventory in the form of Schedule B hereto annexed, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the bailiff shall deliver a copy of such inventory to the Council Clerk, who shall on demand made at any time within one month after the making of such distress deliver a copy thereof to the ratepayer.

Goods may be impounded.

98. The bailiff on making a distress as aforesaid may impound or otherwise secure the goods and chattels so distrained of what nature and kind soever in such part of the land or premises chargeable with the rates or in such other place as shall be most fit and convenient for that purpose, and it shall be lawful for any person whomsoever, after the expiration of five clear days hereinbefore mentioned, to come and go to and from such part of the land and premises where such goods or chattels shall be impounded and secured as aforesaid in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

99. The owner of any goods or chattels so distrained on may at his or her option direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such directions.

Proceeds of distress.

100. The bailiff shall hand over to the Treasurer all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

101. The bailiff may, with the sanction of the Mayor, or in his absence, with the sanction of any two Aldermen of the Municipal District, authorized by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all powers of the bailiff himself; but the bailiff and his sureties shall in every such case be held responsible for the acts of such deputy.

102. The costs and charges for every levy and distress made under the By-laws shall be those specified in the Schedule hereunto annexed marked C.

SCHEDULE A.

I, _____, Mayor of the Municipal District of Dubbo, do hereby authorize you, _____ the _____ or deputy-bailiff of the said Municipal District, to distrain upon the goods and chattels in the dwelling-house or in or upon the land or premises of _____ situate at _____ for _____ being amount of rates due to the said Municipality, to the _____ day of _____ for the said dwelling-house, land, or premises (as the case may be) together with the costs of the distraint, and to proceed thereon for the recovery of the said rates and costs according to law.

Dated this _____ day of _____ 188 .
Mayor.

SCHEDULE B.

I have this day, by virtue of the warrant under the hand of the Mayor of the Municipal District of Dubbo, dated 183 , of which a copy is attached hereto, distrained the following goods and chattels, in the dwelling-house (or in or upon the land or premises) of _____ situate at _____ within the said Municipal District, for _____ being the amount of the rates due to the said Municipality, to the _____ day of _____ and also costs of this levy.)

Dated this _____ day of _____ 188 .
Bailiff.

SCHEDULE C.

	s.	d.
For making every entry and inventory over £2..	5	0
For man in possession for a period longer than two hours	4	0
For man in possession every other day or part of a day	4	0

For sale and delivery of goods, sixpence in the pound on the gross proceeds of the sale, in addition to the costs of advertisements, if any.

PART III.

Preventing and extinguishing fires.

103. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out offices, or other premises within the said Municipal District, fire, gunpowder, or combustible or inflammable material of any kind, in such a manner as to endanger any buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Erecting brushwood fences, &c.

104. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make any stack of hay, corn, straw, or other produce, or place as for the covering of any such stack any inflammable materials, so as to endanger contiguous buildings or properties or any trees, shrubs, or other produce thereof, or any chattels therein, shall forfeit, on conviction for every such offence, a penalty of not more than five (5) pounds, and shall remove such fence, stack, or covering within a reasonable time after conviction; and any person failing to remove any such fence, stack, or covering within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

105. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air within five yards of any dwelling-house or other building or boundary or dividing fence within the said Municipal District, without having given notice in writing to the occupiers of the land adjoining to the land upon which such matter shall be, of his intention to do so, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall, for every such offence, forfeit a sum not exceeding five (5) pounds.

Wilfully setting fire to chimneys.

106. Every person who wilfully acts or causes to be set on fire any chimney flue, smoke-vent, or stove-pipe, herein called in common "chimney" shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting, or causing to be set on fire, any chimney from liability to be informed against or prosecuted before any Criminal Court for such act as for all indictable offences.

Negligently suffering chimneys to be on fire.

107. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated, shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

PART IV.

Streets and public places.—Public health, decency, &c.

New streets to be reported on.

108. Any new public road, street, way, or other place proposed to be dedicated to the public, shall be examined by the Works and Improvement Committee or other Committee appointed for this purpose, and reported upon to the Council by such Committee.

109. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management thereof, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, or way, or other place as aforesaid.

110. The plan or plans so signed as aforesaid, shall be preserved as a record of the Council, and the proprietor or proprietors shall execute such further instrument, dedicating such road, way, or place to public use or recreation as aforesaid, as may be considered necessary by the Council, which said instrument shall be preserved as a record of the Council.

111. The Works and Improvement Committee, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage-ways and foot-ways thereof. And it shall be the duty of such Committee, officer, or person, to place posts at the corners or intersections of any such public roads and streets, and of the carriage-ways and foot-ways of such roads and streets, wherever the same may be considered necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council as hereinafter directed.

112. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Works and Improvement Committee shall cause a plan and section, showing the proposed cuttings and fillings, to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open for inspection. At a subsequent meeting of the Council, the plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk: and such plan and section so signed and countersigned shall be a record of the Council.

Persons not to stand or loiter in the streets.

113. All persons standing upon any of the streets or foot-ways or other public places in the Municipality to the inconvenience of the passers-by, or in any way interrupting the traffic, shall discontinue to do so on being requested by any officer or servant of the Council, or by any police officer. Any person offending against the provisions of this By-law shall for such offence, upon conviction, forfeit and pay a penalty or sum not exceeding two pounds.

Notice to build.

114. Any person intending to take down, re-erect, or build any shop, dwelling, or other structure within the Municipality shall before so doing give three days' notice to the Council Clerk in writing, who shall thereupon supply the particulars of levels required to build in conformity with permanent street levels, and for which service the sum of two shillings and six pence shall be paid to the Council and lodged with the notice given. Any person making default in giving such notice shall be liable to a penalty not exceeding five pounds.

Not to prevent the erection of awnings or verandahs.

115. Nothing in these By-laws contained shall be deemed to prevent any person from placing a verandah or movable awning in front of his or her shop or house, subject to By-law 114: Provided that such verandah or awning be at least eight feet in height above the proper level of the foot-way, and that the posts be kept close up to the kerb-stone or outer edge of such foot-way, and that the said posts and any framework be erected to the satisfaction of the Council and as may from time to time be directed.

Driving round street corners.

116. No person shall drive any horse attached to a vehicle at a pace faster than a walk round street corners or over street crossings that may or shall be proclaimed walk over crossing, and notified in the Government Gazette and local newspaper. Any person offending against this By-law shall be liable to a penalty of twenty shillings for each such offence.

No turf, gravel, &c., to be removed from streets without permission.

117. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, gravel, sand, loam, or other material, in or from any part of the carriage or foot-way of any street or road, or any reserve or other public place within the said Municipal District, without leave first had and obtained from the Council or from the Mayor, or who shall wantonly break up or damage any such carriage or foot-way, or any gate, turnstile, fence, or other enclosure, of any street, reserve, or public place, or any erection lawfully placed thereon, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Temporary stopping of traffic for repairs.

118. The Mayor or any officer or person acting under the authority of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any necessary purpose; and any person or persons offending against this by-law, either by travelling on such street, lane, or thoroughfare, or by destroying or removing any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit a penalty not exceeding five pounds for every such offence.

Cellars or openings beneath the surface of foot-ways prohibited.

119. Any person who shall make any cellar, or any opening, door, or window, in or beneath the surface of the foot-way of any street, or public place, unless the plans thereof have been previously submitted to and approved by the Council, and the erections and openings made to the satisfaction of the Council, shall, on conviction, forfeit and pay the sum of five pounds, and also the expense of filling up, remedying or removing such cellar, opening, door, or window, so as the same together with the said sum of five pounds shall not exceed fifty pounds.

Holes to be enclosed.

120. Any person who shall dig or make or cause to be dug or made any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipal District, for the purpose of making any vault or vaults, or foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Works and Improvement Committee or other officer or person as aforesaid, or shall keep up or cause to be kept up or continued any such enclosure for any time longer than shall be necessary in the opinion of the Committee or other officer or person as aforesaid, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect the sum of not less than forty shillings nor exceeding five pounds.

Wells to be covered over.

121. Every person who shall have a well situated between his or her dwelling-house or the appurtenances thereof and any road, street, or foot-way, or at the side thereof, or in any yard or place open or exposed to such road, street, or foot-way, within the said Municipal District, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the Council, or shall have been left for such person at his or her last known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Throwing filth on roads, driving carriages and leading horses on the footpaths.

122. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or remain, any dead animal, offal, dung, sere ashes, rubbish, or any other filth or annoyance, or any matter or thing in or upon the foot-way or carriage-way of any street, road, lane, reserve, or other public place within the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any such road, street, reserve, or other public place, as that any blood shall run or flow upon or over or be on any such carriage or foot-way, or shall run, roll, drive, draw, place, or cause, permit, or suffer, to be run, rolled, driven, drawn, or placed upon the foot-way of any street, road, reserve, or public place any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow, wheel, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, ride, or stand any horse, ass, mule, or other beast upon any such foot-way, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, and every subsequent offence a sum not less than ten shillings nor more than forty shillings.

Drawing or trailing timber, &c.

123. Any person who shall haul or draw or cause to be hauled or drawn, upon any part of any street, road, foot-path, or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street, road, foot-path, or public place, to the injury thereof, or to hang over any part of any such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall, upon conviction, forfeit and pay for every such offence a sum not more than forty shillings, nor less than five shillings over and above the damage occasioned thereby.

Throwing filth into water-courses.

124. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning such animal, into any public water-course, water-hole, river, creek, or canal, or shall obstruct or divert from its channel any sewer, canal, or watercourse within the said Municipal District, shall forfeit a sum not exceeding five pounds nor less than ten shillings, and shall in addition to such penalty pay the cost of removing such filth or obstruction, or of restoring such water-course, sewer, or canal to its proper channel, so as the same, together with such penalty as aforesaid, shall not exceed fifty pounds.

Throwing slops on carriage-ways.

125. Any person who shall cast or throw, or shall cause, suffer, or permit to be cast or thrown, upon any carriage-way or foot-way, any soapsuds, slops, or refuse water, or any refuse vegetable, or any other matter or thing, or shall cause, or suffer or permit the same to run or flow from any premises in his or her occupation, over any such foot-way or carriage-way within the said Municipal District, shall for every such offence suffer and pay a sum not exceeding two pounds nor less than five shillings.

Rain not to be carried on to footpaths.

126. Any person who shall, by means of pipes, gutters, or other contrivances, or for want of same shall carry, or permit to be carried or flow, any rain-water from the roof of his or her premises or house, upon any of the foot-ways of any street or public place within the said Municipal District, and shall neglect or refuse immediately to remedy the same when required to do so by any officer of the said Council, shall, on conviction, forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied: Provided that the owner or occupier of any house or premises may convey any such rain-water, by means of pipes laid under the surface of any such foot-ways, into the gutters adjoining the same. And provided also, that all such pipes shall be laid down to the satisfaction and under the superintendence of the Works and Improvement Committee or any other person appointed by the Council.

Damage to public buildings, extinguishing lamps, &c.

127. Any person who shall damage any public building, lamp, wall, parapet, sluice, bridge, road, sewer, water-course, or other property of the Council of the said Municipal District, or improperly extinguish any lamp set up for public convenience, shall pay the cost of repairing the same; and if the same be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds, in addition to the cost of repairing the same, so as the said costs of repair, in addition to the said sum to be forfeited and paid as aforesaid, shall not exceed fifty pounds.

Placing carriages, goods, &c., on foot-ways, &c.

128. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot-way in any street or public place within the said Municipality; or shall set out, lay, or place, or shall cause, or procure, permit or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot-way, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way or carriage-way, or over any area of any house or other building or premises, of any matter or thing from and on the outside of the front or any other part of any other house or other building or premises over or next unto such street or public place, and shall not immediately remove all or any such matters or things upon being thereto required by the Inspector of Nuisances or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-

board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot-way of or next unto any such street or public place as aforesaid, shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Riding on drays, careless driving, &c.

129. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street, road, or thoroughfare, within the said Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall negligently be at a distance from such carriage, or in such a situation whilst it shall be standing or passing upon such road, street, or thoroughfare; that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his or her waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; 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, road, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously.

130. Any person who shall ride or drive through or upon any street, road, or public place within the said Municipal District so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Vehicle used in a public street within the Municipality.

131. Every vehicle shall be provided with suitable carriage lamps, to burn candles, one to be fixed to each side of the vehicle, and the same shall be lighted not later than one hour after sundown, and be kept lighted while being so used. Any person offending against the provision of this By-law shall be liable to a penalty not exceeding two pounds.

Breaking-in horses, &c.

132. Any person or persons who shall in any street, road, or public place within the said Municipal District drive any carriage or carriages for the purpose of breaking-in, exercising, or trying horses, or shall ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, or showing, or exposing for sale any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places, shall forfeit and pay any sum not exceeding forty shillings; and any person who shall within the said Municipal District furiously or carelessly drive any horse, mare, or gelding, to or from any public watering-place, creek, or river, or pasturage, or elsewhere, shall forfeit and pay any sum not exceeding forty shillings.

Hours for driving cattle.

133. Any person who shall drive or cause to be driven through any street, road, reserve, or public thoroughfare or place of the said Municipal District any live stock between the hours of eight o'clock in the morning and six o'clock in the evening, except calves and foals under the age of one year, quiet milch cows, horses or cattle broken to saddle or draught, and pigs, sheep (not exceeding in number one hundred), and goats, shall forfeit and pay any sum not exceeding five pounds for every such offence.

Swine, &c., not to wander about streets.

134. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure situate within the Municipality, to the nuisance or annoyance of the public, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or her or under his or her charge to stray or to go about or to be tethered or depastured in any street, road, reserve, or public place within the said Municipal District shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Inspector may impound.

135. The Inspector of Nuisances, or any other person duly authorized by the Council, shall have the power to impound, in the Dubbo Public Pound, all animals found straying within the said Municipal District of Dubbo.

Burning shavings, &c., in streets.

136. Any person who shall burn any shavings, rubbish, or any other matter or thing in any road, street, lane, or public place within the said Municipal District, or who shall, within ten yards from any dwelling-house, burn rags, bones, corks, or other offensive substance, shall, for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

No rock to be blasted without notice to the Council Clerk.

137. Any person who shall be desirous of blasting any rock within fifty yards of any road, street, public place, or private dwelling, within the said Municipal District, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such directions as he may deem necessary for the public safety. And if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the Council Clerk as aforesaid, he shall, on conviction, forfeit and pay for every such offence, any sum not less than one pound nor more than ten pounds.

Cleansing private avenues.

138. Any owner or occupier of any house or place within the said Municipal District who shall neglect to keep clean all private avenues, passages, yards, and ways; within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings for every such offence.

Placing dead animals on premises.

139. Any person who shall cast or place, or who shall cause, or suffer to be cast or placed, or to remain upon any land or premises within the said Municipal District, any dead animal, blood, offal, night-soil, or any other offensive matter, so as to become a nuisance to the inhabitants thereof, shall, on conviction, suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

140. Any person or occupier of any land or premises within the said Municipal District who shall suffer or permit any dead animal, blood, offal, night-soil or any other offensive matter to remain upon the said land or premises, after notice shall have been given by the Inspector of Nuisances or other proper officer of the Council to remove the same, shall be subject to a penalty not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Hogsties and nuisances not removed on notice, &c.

141. In case any privy, hog-sty, or any sink, cess-pool, yard or enclosure, or any matter or thing which shall at any time be in any place within the said Municipal District, shall be or become a nuisance, it shall be lawful for the Council by notice in writing to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance exists or is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisances pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than forty shillings.

Hours for removing night-soil, &c.

142. Any person within the said Municipal District, who shall without authority of the Council remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose between the hours of six (6) o'clock in the morning and eleven (11) o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and watertight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop urine or filth, in or upon, or near to any of the streets, roads, or public places, or foot-ways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter, nearer to any street, road, or dwelling-house, than shall be from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall from time to time be directed by the Council, or Inspector, or other officer of the Council, shall, upon conviction, forfeit and pay for every such offence, a sum not exceeding five (5) pounds nor less than one pound; and in case the person or persons so offending cannot be found then the owner or owners of such carts, carriages, or other vehicles, employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer of the person or persons so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Penalty for not removing offensive matter on notice.—Council may abate nuisance.—Right of entry for such purpose.

143. Any person who shall suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, to remain in any cellar or place within any dwelling-house or premises within the said Municipal District for the space of twenty-four hours after written notice to him or her from an officer of the Council to remove the same, or shall allow the contents of any water-closet, privy, or cess-pool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding forty (40) shillings, nor less than ten (10) shillings; and a further sum of ten (10) shillings for every day during which the offence shall be continued; and the Council may remove or abate, or cause to be removed or abated, every such nuisance, and do what shall be needful for preventing a continuance of recurrence thereof; and the officers of the said Council shall for such purpose have power from time to time to enter any house or premises; and the expense incurred in carrying out the provisions of this By-law shall be paid to the said Council by the occupier or owner of the premises upon which the same exists, in addition to the penalties aforesaid, so as the same together do not exceed in the whole fifty pounds.

Houses to be purified on certificate of two medical practitioners.

144. If upon certificate of any two qualified medical practitioners, it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or of the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof or the premises occupied in connection therewith to cleanse, or purify the same as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Cleansing butchers' shambles, &c.

145. For preserving the cleanliness of the said Municipal District and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer appointed by the Council, from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shop, soap and candle manufactories, &c., fellmongering establishments and tanneries, within the said Municipal District, and to give such directions concerning the cleansing of the same respectively, both within and without, as to him shall seem needful. And any butcher or the owner or occupier of any such butcher's shop, tannery, manufactory, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Carcass of animal unfit for consumption.

146. Any person who shall expose for sale or sell the carcass of any animal unfit for human consumption, or shall feed swine or other animals with such carcass, shall be liable to a penalty not exceeding five pounds, nor less than ten shillings for every such offence.

Inspection of premises.

147. Upon the reasonable complaint of any householder, that the house, premises, yard, closets, or drains of the adjoining or neighbouring premises are a nuisance or offensive, the Inspector of Nuisances or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Damaging trees, &c.

148. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, or any other property, growing or situated in or upon any reserve, road, street, thoroughfare, or place under the management of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound, and may be otherwise proceeded against at law by the Council.

Extirpation of noxious weeds.

149. Any owner or occupier of land within the said Municipal District, who shall permit or suffer to grow or remain on the said lands, the weeds known as the "Bathurst burr" and "Scotch thistle," or other noisome weeds, or weeds detrimental to good husbandry, and who shall fail to extirpate, remove

or destroy the same within ten days after the receipt of a notice in writing by post or otherwise from the Council so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Newly slaughtered carcass.

150. Every person who within the said Municipal District shall carry or convey, or cause to be carried or conveyed, in any public street, thoroughfare, or place, the carcass or any part of the carcass of any newly slaughtered animal, without sufficient or proper cloth or other covering to conceal the same from public view, shall be liable on conviction to a penalty of any sum not exceeding forty shillings for every such offence.

Bathing prohibited within prescribed limits.

151. Any person who shall bathe near to or within view from any inhabited house or from any public bridge, street, road, or other place of public resort within the limits of the said Municipal District, between the hours of six o'clock in the morning and six o'clock in the evening, shall, on conviction, forfeit and pay for every such offence a sum not exceeding twenty (20) shillings.

Indecent exposure of person.

152. Any person who shall offend against decency by the exposure of his or her person in any street or public place within the said Municipal District or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Houses of ill-fame.

153. Upon representation by any respectable ratepayer that the house or neighbouring or adjoining premises is of ill-fame, it shall be lawful for the Mayor and any Alderman to cause the residents of such house or premises to furnish to the Council a list of the names, ages, sex, birthplace, and occupation of all the inmates of the said house or premises; and upon non-compliance with such request, or if upon consideration the Mayor and any Alderman consider the house to be one of ill-fame they shall, with the sanction of the Council, declare the same to be a nuisance, and the Mayor shall cause a notice in writing to be served upon the holder of such house or premises, or other person residing or being therein and acting as such holder, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice, otherwise such holder or other person shall be liable to a penalty of not less than forty (40) shillings nor more than fifty pounds, and on a second conviction shall be liable to a penalty of not more than fifty pounds nor less than five pounds.

Inspector of Nuisances may take legal proceedings.

154. The Inspector of Nuisances or other person appointed by the Council may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipal District.

Penalties to be paid over to Treasurer.

155. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipal District, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

156. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the words "Municipal District" is made use of in the said By-laws it shall be understood to signify the "Municipal District of Dubbo."

As to interference with officer or Council in enforcing By-laws.

157. Any person who shall assault, resist, obstruct, or interfere with any officer of the Council or other person doing or performing any duty or act under any of the By-laws of the said Municipal District, shall forfeit and pay a penalty not exceeding twenty pounds nor less than one pound.

The Park.

Powers as to number and description of stock lessee entitled to depasture.

158. The Council shall from time to time, as often as occasion shall arise, determine and declare the number and description of cattle and other stock any lessee or grantee shall have the right to depasture on any park or public recreation ground under the control of the said Council.

Power to grant common of pasture.

159. The Council shall, with the consent of the majority of Aldermen assembled at any meeting especially convened for that purpose, have power to grant to any person or persons or any number of different persons, for any period not exceeding twelve calendar months, the common of pasture, and feeding of stock on, into, and upon any park or public recreation ground under the control of the said Council, and all manner of privileges, appendages, and appurtenances whatsoever in any wise thereunto belonging.

Power to detain and impound trespassing stock.

160. The grantee or grantees, Inspector of Nuisances, or other proper officer of the Council shall have power to distrain and impound any cattle or other stock found trespassing upon any of the said parks or public recreation grounds, and also to claim and demand and recover such damages (not exceeding ten pounds) in respect of such cattle or other stock so distrained or impounded, as could or might be claimed by the owner of private lands in respect of animals found trespassing and doing damage upon the same.

Rights of grantees.

161. That all and every the person or persons entitled under such grant or grants for the time being to the use of the said parks or public recreation grounds who shall injure, deface, or destroy any seat, lamp, water-course, or any other property or improvement within the said park or public recreation ground shall have all the same rights and remedies between themselves and against strangers, as by the laws of this Colony in relation to commons are possessed and enjoyed by commoners.

Wilful trespass.

162. Every person who shall wilfully let in or knowingly suffer to enter upon the said parks or public recreation grounds any animals without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

163. Any person pulling down, destroying, defacing, or injuring any mark, marking the limits of the said parks or public recreation grounds, or any fence or other erection thereon, without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for destroying herbage, trees, &c.

164. All persons who shall wilfully and without the authority of the Council, cut, break, bark, root-up, burn, or otherwise destroy or damage, the whole or any part of any tree, sapling, shiub, or underwood, or the herbage growing in or upon the said parks or public recreation grounds, shall forfeit over the amount of damage any sum not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in the use of parks.

165. Any person who shall unlawfully cause any annoyance or inconvenience to any other person in the free use and enjoyment of the said parks or public recreation grounds, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Persons committing offences in neighbourhood of parks.

166. Any person who shall be found committing any breach of any By-law affecting the said parks or public recreation grounds not expressly provided for in this "Part" of these By-laws, or who shall by disorderly or insulting conduct in the immediate neighbourhood of such parks or public recreation grounds, cause annoyance or inconvenience to persons on the said parks or public recreation grounds, or going to or coming from the same, may be removed by force by any ranger or other proper officer appointed by the Council, which officer shall have the power to call in the aid of the police, and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for trespass.

167. Any person who shall without the authority of the Council be found occupying any portion of the said parks or public recreation grounds, either by residing or by erecting any tent, hut, or building thereon, or by clearing, digging-up enclosing, or cultivating any part thereof, shall be liable on conviction to a penalty not exceeding ten pounds nor less than one pound.

PART V.

By-laws regulating and licensing public vehicles.

BY-LAWS for the regulation and licensing of public carriers carts, and public vehicles, omnibuses, cars, hackney-carriages, cabs, drays, carts or vans, and the drivers and conductors of passenger-carrying vehicles, and in accordance with section 129 of the Municipalities Act of 1867.

All vehicles to be licensed.

1. No vehicle shall ply or be used for hire within the Municipality unless the same be duly licensed in the manner herein described. Any vehicle plying for hire and taking up or putting down passengers within the Municipality, no matter where their destination, must be licensed by the Council, provided that coaches carrying Her Majesty's mails be exempt from such license.

Requisition to be made for license.

2. Before any license for plying a vehicle, or to drive or to conduct the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of the Schedule A hereto, or to the like effect, and duly fill up and sign the same, and deliver it to the Council Clerk, and in the case of drivers or conductors shall also obtain a certificate from two respectable householders to the effect that the applicant is of good character and competent to act as such driver or conductor as the case may be.

Conditions under which licenses to be granted.

3. No license will be granted in respect of any vehicle which in the opinion of the By-law Committee of the said Municipality, is unsafe, or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle, or on such other place or places, and in such manner as the said By-law Committee may direct.

Licenses, and how to be issued.

4. Licenses for proprietors, drivers and conductors of vehicles shall be in the form contained in the schedule hereunto annexed, marked with the letter B, or the like effect; and any person plying, driving, or conducting any vehicle for hire without such license shall be deemed guilty of a breach of these By-laws.

Licenses to be under Corporate Seal.

5. Every license granted under these By-laws shall be under the common seal of the Council and signed by the Mayor and countersigned by the Council Clerk, upon production of a certificate signed by the By-law Committee aforesaid, and shall be in force from the date of such license until the 31st day of December next ensuing, subject to the conditions in By-law 10; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be then specified and endorsed on the license signed by the Mayor and countersigned as aforesaid.

Age of drivers.

6. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years.

Licenses to be made out by the Council Clerk.

7. All licenses shall be made out by the Council Clerk, and numbered consecutively, and shall not be transferable.

Owner of vehicle.

8. The person in whose name a license shall appear to have been obtained shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

Inspector of vehicles.

9. The By-law Committee, aforesaid, shall as often as they may deem it necessary, cause an inspection to be made of all or any licensed vehicle, and of the harness, horse, or horses; and if any such vehicles, harness, horse, or horses shall at any time be found by the said Committee to be unfit for use, the Mayor may cancel the license of such vehicle on the written report of the said Committee.

Number of license to be painted on vehicle.

10. The number of license granted to every omnibus or car in figures, not less than 4 inches in height, and for every hackney carriage or cab, in figures not less than 2 inches in height, of proportionate breadth, white upon a ground of black, shall be painted outside on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Committee aforesaid shall direct, and such numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

Table of fares, &c., to be fixed to vehicle.

11. The number of license of every hackney carriage or cab on a card or plate 6 inches by 3 inches, painted or printed in clear legible figures, and the table of fare fixed by the Council, shall be affixed at the upper part of the front panel, or in such other place or places inside of such carriage or cab as the By-law Committee aforesaid may direct; and such card or plate shall be kept so affixed and legible and undefaced, during all the time the carriage or cab shall ply or be used for hire.

Water and other carts.

12. The Council shall from time to time license to ply within the Municipality such carts for the sale and carrying of water and other commodities as shall upon inspection be found fit for that purpose. Every water-cart shall be or shall contain or carry a vessel or tank capable of containing not less than 50 gallons, and all other carts so licensed shall have the name of the owner, and the words "licensed water cart," or licensed cart," as the case may be, painted on each cart in legible letters.

Licenses, how obtained.

13. Every such license shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such license there shall be paid to the Council the sum set forth in Schedule C, hereto appended; and every such license shall be in force until the 31st day of December next ensuing, after the granting of the said license.

Hawking water and other commodities—Penalty.

14. Any person hawking or carrying water or other commodities for sale or hire (otherwise than in a licensed water-cart or cart as aforesaid, shall, upon conviction be liable to a penalty not exceeding one pound.

Name and place of abode to be painted on licensed cart, &c.

15. The name and place of abode, number of license, and the words "licensed cart, dray, or van," as the case may be, are to be painted in letters 1 inch long upon the right or off side of such cart, dray, or van.

Vehicles to carry lights.

16. All vehicles licensed to carry passengers or commodities shall be provided with suitable carriage lamps, to burn candles, one to be fixed to each side of the vehicle and a third one inside of all omnibuses and closed coaches; and the same shall be lighted not later than one hour after sundown, and be kept burning while the vehicles are on the stand or running in the streets, either with or without passengers.

Number of passengers to be carried.

17. When any carriage is submitted for inspection by the owner or other applicant, with a view to obtain a license, the By-law Committee shall then determine upon the number of passengers the vehicle shall be permitted to carry, and give a certificate to that effect, such number to be mentioned in the license.

Legal fare, &c., to be painted on vehicle.

18. The number of passengers the vehicle is licensed to carry and the legal fare shall be painted or printed in legible characters and affixed within and without the vehicle in such places as the By-law Committee shall direct.

Vehicle not to be drawn faster than a walk past place of worship on Sundays.

19. No licensed vehicle shall be drawn by any animal or animals past a place of public worship on Sundays, during Divine Service, at a faster pace than a walk, and no bugle, horn, or whistle, or other instrument shall be used on that day for the purpose of attracting passengers.

Description of persons not allowed to travel in vehicle.

20. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry or permit to be carried any such person (or (except to some police office or watch-house) any corpse or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance, or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle nor use the same for eating his meals therein.

Vehicle not to carry greater number of passengers than licensed for.

21. No driver or conductor shall admit to the inside or allow on the outside of any omnibus at one time, a greater number of passengers than the number it shall be licensed to carry inside or outside as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats, properly cushioned, allowing for each passenger a space of 18 inches, measuring in a straight line, lengthwise on the front of each seat, nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age, sitting on the lap, shall be deemed a passenger within the meaning of these By-laws. No passenger to carry more than one child.

Fare not to be increased until 10 p.m.—Driver, &c., not to refuse to carry passengers.

22. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large immovable figures in some conspicuous place inside and outside the omnibus, as the fare for which such omnibus plies: Provided that no fare shall be increased, except between the hours of 10 o'clock at night and 5 o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room, and to whom no reasonable objection can be made under these By-laws; nor, except in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage-way.

Fare to be paid upon taking seats—Driver and conductor to be provided.

23. Any person having taken his or her seat in or upon an omnibus shall pay the fare when demanded after the commencement of the journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver and a licensed conductor.

Property found in vehicles to be delivered at the Council Clerk's office.

24. The driver of any vehicle and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case where property has been left in any vehicle or omnibus by any person having used or hired the same, such property if found by another passenger or person shall be delivered to the conductor, or driver, who shall deliver the same, with any other property found by him, within eighteen hours after such finding, to the Council Clerk's office, and shall there deposit it.

License fees to be paid to the Council Clerk.

25. For every license issued under the By-laws in force for the time being in that behalf within the said Municipality there shall be paid to the Council of the said Municipality, by delivering the same to the Council Clerk, or other person authorized to receive the same, the several sums mentioned or set forth in Schedule C to those By-laws for the general purposes of the said Municipality.

Terms to be applied to licensed vehicles.

26. Whenever the word "vehicle" shall be used in these By-laws the same shall be construed to extend and apply to any omnibus, car, hackney-carriage, or cab.

The word "omnibus" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, having seat accommodation for more than ten passengers and a driver. The word "car" shall extend and apply to any vehicle upon two or four wheels drawn by one or more horses, having seat accommodation for not more than ten or less than five passengers and a driver.

The word "hackney-carriage" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, and having seat accommodation for not more than five passengers and a driver, and in respect of which a hackney-carriage license within the said Municipality shall have been obtained. The word "cab" shall extend and apply to any vehicle upon two wheels having seat accommodation for not more than two passengers and a driver, in respect of which a cab license within the said Municipality shall have been obtained. The word "cart" shall extend and apply to any cart, dray, van, waggon, or delivery van, drawn by one or more horses or other animals, and used for hire in the carriage of goods and parcels and other commodities, except as used in Schedule C, for lorries and timber carriages. The word "water-cart" shall extend and apply to any cart used for the carriage of water within the said Municipality in respect of which a water-cart license shall have been obtained.

Fares to be charged.

27. No proprietor or driver of any hackney carriage or cab in the said Municipality shall demand, receive, or take more than the several fares or sums mentioned or set forth in the Schedule D to these By-laws, or such other sums as the Council of the said Municipality shall from time to time determine or appoint in substitution therefore as hereinafter provided; and every proprietor, driver, or conductor failing to comply with this By-law shall for every such offence forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Power of Council to amend scale of fares, &c.

28. The Council of the said Municipality may from time to time, by resolution passed in that behalf, alter and vary or amend the said Schedule D and the respective sums chargeable thereunder, or any of them, and such alterations, variations, or amendments shall become of full force and effect so soon as the same shall have been publicly notified by advertisement in the New South Wales Government Gazette, and at least one newspaper circulating in the said Municipality, and the Council of the Municipality shall not be responsible for any loss which such alterations or amendments may have or may be alleged to have occasioned to the holders of licenses for the time being, or any of them.

Tolls to be paid by hirer.

29. All tolls to be paid by the hirer of any hackney-carriage or cab in addition to the ordinary fare.

Passengers to be taken up, &c.

30. Subject to By-law 21, no driver of any hackney-carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Municipality as he, she, or they may reasonably desire; and every person failing to comply with this By-law shall forfeit and pay a penalty or sum not exceeding five pounds for every such offence.

Cab-stands, &c.

31. The Council may, by resolution to be publicly notified as in By-law 30 of this part, from time to time appoint any place or places within the said Municipality as stands for licensed hackney-carriages and cabs within the said Municipality.

32. No vehicle shall be allowed to stand or remain stationary on any street within the said Municipality, except on the duly appointed cab-stand for the time being, for a longer period than the time reasonably necessary to take up, or set down any passenger or passengers for the time being, requiring or using the same, or for loading or unloading or receiving or delivering the goods or parcels which the driver of such vehicle shall have been employed to carry; and any driver or proprietor of any such vehicle remaining stationary contrary to this By-law shall for every such offence forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Driver not to leave his horse or horses.

33. No driver of any licensed vehicle or cart shall be or remain at such distance from his horse or horses, while attached to his vehicle or cart, anywhere within the said Municipality as not to have immediate and full control over the same; and every person so doing shall for every such offence forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Speed at which to travel.

34. All hackney-carriages and cabs carrying passengers shall (except when turning street corners), as provided in No. 116 general By-laws, proceed at a speed of not less than six miles per hour unless when attending funerals or otherwise ordered by the hirer; and every driver of any such carriage or cab failing to comply with this By-law shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Copies of Schedule D to be printed and fixed at cab-stand.

35. Copies of said Schedule D hereto shall be printed or written in legible characters and exhibited on boards placed in conspicuous positions—one at each cab-stand within the Municipality and one at the railway station in such place as the Commissioner for Railways may approve.

Copies of By-laws to be given with license.

36. Copies of these and of all other By-laws passed by the Council of the said Municipality for the regulation of licensed vehicles and still remaining in force shall be delivered with each license issued, unless the person shall have previously received copies thereof.

Penalty to be enforced for breach of By-laws.

37. All proprietors and drivers of licensed vehicles shall at all times be amenable to and observe and comply with the By-laws for the time being in force for the care and management of the public roads, public streets, and public thoroughfares within the said Municipality, and for every breach thereof shall incur the same penalties as other persons.

38. Any person offending against any of these By-laws shall, except when otherwise expressly provided, forfeit and pay a sum not exceeding two pounds nor less than five shillings.

SCHEDULE A.

A requisition for license.

To the Municipal Council of the Municipal District of
I residing _____ street, within the Municipality of Dubbo, do hereby request that a license may be granted to me to _____ within the limits of the said Municipality.

Dated at _____ this _____ day of _____ A.D. 18 ____ .

Description of vehicle :

SCHEDULE B.

Form of license for driver or conductor.

THIS is to certify that _____ of _____ street, is hereby licensed to drive or conduct _____ from the day of the 31st day of December, 18 __, inclusive, within the Municipality of _____ subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

SCHEDULE C.

TABLE of license fees payable by proprietors, drivers, and conductors of licensed vehicles.

Proprietors of	On and after 1st Jan.	On and after 1st April.	On and after 1st July.	On and after 1st Oct.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Omnibuses and coaches	2 0 0	1 10 0	1 0 0	0 10 0
Hackney-carriages, cabs, cars..	2 0 0	1 10 0	1 0 0	0 10 0
Water-carts, drays, carts.....	0 10 0	0 7 6	0 5 0	0 2 6
Lorries, timber carriages.....	3 0 0	2 5 0	1 10 0	0 15 0
Delivery-vans	1 0 0	0 15 0	0 10 0	0 5 0

For every driver's license for a vehicle to carry passengers, per annum, or any part thereof	s. d.
For every driver's license for a lorry, per annum, or any part thereof	5 0
For every conductor's license for a vehicle to carry passengers, per annum, or any part thereof	5 0

SCHEDULE D.

TABLE of maximum fares chargeable by drivers or proprietors of licensed carriages and cabs, within the Municipal District of Dubbo:—

Vehicles licensed to carry two passengers only, for one or two passengers for not exceeding quarter of an hour	s. d.
For each subsequent quarter of an hour or part thereof	1 6
Vehicles licensed to carry more than two passengers, for each passenger for not exceeding quarter of an hour	1 0
For each subsequent quarter of an hour or part thereof	1 0

Provided in all cases that a fare for a second quarter of an hour shall only be paid where a passenger has been driven over a mile.

N.B.—After 10 o'clock p.m., and before 5 o'clock a.m., half the above fares in addition.

PART VI.

BY-LAWS for carrying out the "Nuisances Prevention Act, 1875."

1. That the dry-earth closet system be adopted throughout this Municipal District, and in accordance with the following By-laws:—

2. There shall not be formed, dug, or excavated any earth below the surface for the purpose of making any cesspit, cesspool, or other opening for the receptacle of night-soil or urine except as hereinafter provided by By-law No. 20.

3. All closets made or constructed after these By-laws becoming law shall be made or fitted with a movable receptacle or pan, and such as are usually known as earth-closet pans, and as hereinafter described.

4. Every person about to erect a closet shall, before commencing any such work, give to the Town Clerk seven days notice in writing of his intention, and of the proposed position of such closet, and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds.

5. No closet shall be erected or formed except in such position as shall be approved of by the Council or by the Inspector of Nuisances or other officer appointed by the Council.

6. Every closet shall be built with walls seven (7) feet high, and shall be not less than three feet six inches (3 ft. 6 in.) wide, internal measurement, and not less than four feet six inches (4 ft. 6 in.) long, internal measurement, shall be ventilated and be provided with a door or doors capable of being fastened from inside, and shall have a water-tight roof.

7. When two or more closets adjoin, there shall be a dividing wall constructed from floor to roof, so as to effect a complete separation and complete privacy.

8. Every closet shall be provided with a water-tight box made of galvanised iron 26 gauge, having suitable handles, the measurement of which box shall not be less than one cubic foot and shall not exceed two cubic feet.

9. The Council on receipt of any written application, stating special reasons, may permit the use of a larger box.

10. The closet pan in all cases shall be easy of access and removal from the closet, and stops and guides shall be provided for placing the box in proper position.

11. The occupier of every house, building, or other tenement, in which the dry-earth closet is adopted, shall at all time cause to be kept in such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or some other material efficient and sufficient for deodorizing the night-soil deposited therein, and shall cause all such night-soil which may be deposited in any pan or receptacle in such privy or closet to be immediately, on the deposit thereof, covered with a sufficient quantity of dry powdered earth, or such other deodorizing material as aforesaid, and sufficient to thoroughly and effectually deodorize the contents of such pan or receptacle.

12. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises, upon which there shall be a joint closet, liable to a penalty not exceeding five pounds.

13. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, a separate closet shall be provided for every twelve persons or fraction of twelve.

14. In schools, or in factories, or other places of business where a number of persons exceeding twelve shall reside or be occupied or employed, one closet shall be provided for every twenty persons, and separate closets shall be provided for each sex.

15. When any existing closet, cesspit, cesspool, or similar appliance of any kind shall, in the opinion of the Council or their duly appointed officer, be injurious to public health, or be or become a nuisance or opposed to common decency, the owner or owners, or occupiers thereof shall, upon receiving seven (7) days notice from the Council, or from their duly appointed officer for that purpose, make such alterations as may be ordered by the said Council, or by such officer, within the time prescribed by such notice. In the case of any owner or occupier neglecting or refusing to comply with the terms of such notice, the Council shall and may have the required alterations carried out at the cost and expense of the said owners or occupiers thereof and in case of neglect or refusal to pay such expense after demand, the same shall and may be recovered in the manner provided by the Nuisances Prevention Act, 1875.

16. Any person or persons desirous of substituting earth or pan closets for or in lieu of any existing cesspit, cesspool, or privy, shall be at liberty so to do on giving notice to the Council, who may give permission in writing for such substitution; no existing cesspit, cesspool, or other receptacle, shall be covered over, filled up, or otherwise abandoned without the consent in writing of the Council.

17. Existing cesspits shall, when abandoned or when condemned by the Council, on the report of the Inspector of Nuisances, be emptied and cleansed with lime and the pits filled up with dry earth, and the closet converted into dry earth closet, in accordance with these By-laws.

18. No cesspit, cesspool, or privy, shall have connected therewith, or attached thereto, any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspit, cesspool, or privy, upon or under the surface of any adjoining ground, or into any drain, or sewer, or into any other place or places whatsoever. Any person or persons willfully violating this part of the By-laws in any respect shall be liable to and forfeit and pay a penalty of not less than ten shillings nor more than ten pounds.

19. Each hotel, boarding-house, or school, having twelve (12) or more boarders or occupants, shall be provided with one or more urinals constructed as follows:—

The trough of each urinal shall be two (2) feet from the floor at the front or outer edge thereof, and not less than nine inches wide in the clear, six inches deep in the centre, and water-tight; each urinal or compartment thereof shall be not less than 2 feet 6 inches long in the clear; the compartments if (any) shall be divided closely from each other above the trough to the height of five feet six inches (5ft. 6in.) from the floor; every hotel urinal shall have not less than two (2) such compartments, the backs and ends of each urinal shall be seven (7) feet high, and the end shall extend three (3) inches beyond the front of the trough; a water-tight pipe shall lead to a galvanised iron vessel for the reception of urine in a pit outside the urinal and screen hereafter provided for; the pit shall be built bottom and sides of brick, floored and lined with cement and covered with a substantial trap-door giving easy access thereto; every pit shall contain a vessel as aforesaid, water-tight, having a suitable handle and made of strong galvanised iron; the measurement of which vessel shall not be less than 1 cubic foot, and shall not exceed 1½ cubic feet; each urinal shall be provided with a close screen seven (7) feet high placed two (2) feet distant from the front of trough, the back of which screen shall project one (1) foot beyond each end of urinal; two wings seven (7) feet high and two feet six inches (2ft. 6in.) long shall be attached to the ends of the back aforesaid, the extreme end of each wing being 2 feet distant from end of urinal. Provided always, that where a urinal shall be placed at right angles to and against any outbuilding or close fence not less than seven (7) feet high, the back of the screen shall be required to project, and a wing shall be attached at one (1) end only; the back ends, divisions, and trough, shall be constructed either of brick or of galvanised iron; if they are of brick the trough must be lined with cement throughout; the back ends and divisions must be lined with cement to the height of three (3) feet above floor; if they are of galvanised iron they must be so constructed that leakage cannot take place between the trough and the back or ends of the urinal; the screen shall be constructed of bricks, or of wood, or of iron. Any person or persons who intend to construct any urinal shall give notice in writing to the Council of their intention to do so. The Inspector of Nuisance shall, within forty-eight (48) hours inspect the premises on which the urinal is intended to be constructed. If it be in accordance with these By-laws and the Nuisances Prevention Act, he shall give the necessary permission for the construction of the urinal; provided that, where practicable, it shall not be situated within twenty-five (25) feet from any dwelling, or fifty (50) feet from any well.

20. The place of deposit for night-soil, urine, or other faecal matter shall be in such a locality as may be from time to time determined upon by the Council, and no night-soil, urine, or other faecal matter shall be deposited in any other locality.

21. Until otherwise provided by the Council, the contents of all cesspits, cesspools, privies, pans, urinals, or other receptacles for night-soil, urine, or other faecal matter or waste, shall be removed only by the servants of or contractors with the Council, and in water-tight covered vehicles, between the hours of 11 o'clock p.m. and 5 o'clock a.m.

22. The Council is hereby empowered to enter into any contract or contracts with any person or persons for the due performance of any or all matters concerned or connected with the removal and disposal of night-soil, urine, or other faecal matter or waste, and may make regulations from time to time, as to them may seem necessary, respecting such contract or contracts, and may also, by like regulations, determine the price which the owner or owners or occupants of any premises shall pay or be liable to pay the said Council for emptying and cleansing or causing to be emptied and cleansed and disposed of, the contents of their cesspits, cesspools, privies, pans, or other receptacles for night-soil, urine, or other faecal matter or waste as aforesaid; and the said Council may sue for and recover from the owner or occupier of such premises as aforesaid such charges as may have been fixed by the said Council duly assembled by resolution or otherwise.

23. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises or do any work authorized by these By-laws and the Nuisances Prevention Act, 1875, on all days except Sundays and public holidays, between the hours of 10 a.m. and 4 p.m., and 11 p.m. and 5 a.m.

24. Any person allowing night-soil, urine, or other faecal matter or waste to fall into any street, right of way, water-channel, gutter, creek, river, or reservoir, or in any public or private place (except as herein provided for) shall forfeit and pay a penalty not exceeding twenty pounds nor less than two pounds for every such offence.

25. All earth-closets, cesspits, pans, ash-pits, or receptacles wherein night-soil, urine, or other faecal matter or yard sweepings, or house refuse, or waste may be deposited, shall be kept in such a state of cleanliness so as not to be a nuisance or injurious to health, and no householder, or owner, or resident shall allow or permit any such premises to be a nuisance, or offensive to neighbouring householders or residents under a penalty of not less than one pound for each offence. The owner or occupier of any house, building, passage, yard, cesspit, or premises within the Municipality shall cause the same and every part thereof to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

26. The owner or occupier of any premises within the Municipality, or any other person who shall have to erect upon his premises any closet otherwise than in accordance with these By-laws, or who shall refuse or neglect to comply with the provision of any of the preceding By-laws, or who shall commit any breach thereof, shall in cases where no special penalty is provided forfeit and pay a penalty not exceeding five pounds, and any person not being duly authorized by the Council, who shall remove any night-soil or empty any cesspit or earth-closet, pan, or other receptacle for faecal matter or house waste, except as provided for by these By-laws, shall be liable to a penalty not exceeding, for the first offence, five pounds, and for every subsequent offence ten pounds.

PART VII.

By-Laws under the "Dubbo Cattle Sale-yards Act of 1884."

By-laws for maintenance, regulation, and management of the Dubbo Cattle Sale-yard and premises, and of all persons buying or selling thereon or resorting thereto, and for regulating the fees and charges to be demanded and taken in respect to any cattle brought to any such sale-yards or yarded in or brought to any other sale-yards within the Municipal District of Dubbo, and intended for sale by public auction or private contract.

1. The said cattle sale-yards of the Municipal District shall be open for the reception and delivery of cattle and other live stock on every lawful day from 6 a.m. to 6 p.m. during the months of September, October, November, December, January, February, and March, and between the hours of 7 a.m. and 5 p.m. during the remaining months of the year.

2. There shall be appointed for such cattle sale-yards an officer to be called the Inspector thereof whose duties shall be as follows:—(1) To see that the By-laws or Regulations be duly observed. (2) To demand and receive all fees and charges due under the said By-laws or Regulations, and pay over all such fees and charges when received to the Treasurer for the time being of the said Municipal District. (3) That the priority of sales of cattle by auction in the cattle sale yards shall be determined by the auctioneers interested therein by lot in the presence of and under the direction of the Inspector on the morning of every sale day, and any such person or

persons who shall sell any such cattle by auction contrary and in disregard to this By-law shall be deemed guilty of obstructing the Inspector in the discharge of his duty, and shall be liable to pay, on conviction thereof, a penalty not exceeding five pounds nor less than ten shillings. (4) To preserve order and cleanliness within the said cattle sale-yards and the precincts thereof, and to summarily eject therefrom any person creating a riot or disturbance, or cursing or swearing, or using any gross or indecent language, or being guilty of any gross cruel or indecent conduct therein.

3. No person or persons shall obstruct the Inspector or his assistants in the performance of his or their duty, or shall release any cattle from the said sale-yards before the fees and charges have been duly paid (the proof of which payment shall rest with the party charged with the breach of this regulation), nor shall remove the same from the said yards or from one part of them to another without the authority of the Inspector, and any person committing a breach of this By-law in any respect shall be liable to a penalty not exceeding five pounds nor less than ten shillings.

4. The owner or any person in charge of any cattle which shall break or injure the said yards, or any part thereof, or any erection connected therewith, shall forthwith repair and make good such damage or injury, or in default of his so doing shall be liable to forfeit and pay a penalty not exceeding five pounds nor less than ten shillings.

5. No cattle brought to the sale-yards shall be removed therefrom by the owner or person having charge of the same except between the hours of 2 and 5 o'clock a.m.

6. Any person or persons who may be found drunk or disorderly within the said sale-yards or the precincts thereof or cursing or swearing, or using gross, profane, or abusive language therein, or who shall cruelly beat or ill-treat any animal therein shall forfeit and pay for every such offence a penalty not exceeding two pounds nor less than five shillings.

7. The party or parties placing cattle in the said cattle sale-yards or any other sale-yards within the said Municipal district for sale, and also the auctioneer or agent to whom the same shall be brought for such sale, and also the occupier or owner of such other sale-yards shall be liable for the payment of all fees and charges accruing therein.

8. Any person or persons who may place cattle in the cattle sale-yards of the Municipal District for sale, and shall neglect for twenty-four hours to supply such cattle with sufficient food and water, shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than ten shillings, and in case of such neglect for such space of twenty-four hours at any time the Inspector shall cause such cattle to be supplied with sufficient food and water, and the person so neglecting as above shall be liable to repay the cost of the same including a reasonable charge for labour and attendance.

9. The following fees and charges shall be paid and taken for all cattle brought to the said cattle sale-yards, or yarded in or brought to any other sale-yards or premises within the Municipal District of Dubbo for sale (that is to say) for every horse, mare, gelding, ass, or mule, the sum of one shilling; for every head of fat cattle, the sum of one shilling; for every head of store cattle, the sum of sixpence; for every pig, the sum of threepence; for every sheep, lamb, or goat, the sum of one penny.

10. The said fees and charges shall be payable by the several persons hereinbefore rendered liable to pay the same as soon as the cattle in respect of which they are chargeable shall be brought to the said cattle sale-yards of the Municipal district or yarded in or brought to any other sale-yard within the said Municipal District for sale, and the same shall be paid accordingly into the hands of the Inspector of the said cattle sale-yards or his assistants: Provided that the above fees shall be refunded in the case of stock not actually sold. Provided further that stock put in the yards and not submitted to auction shall pay the sum of half fees.

11. Any person who shall neglect to comply with these By-laws, or be guilty of any breach thereof, shall in cases where no special penalty is provided be liable to a penalty not exceeding two pounds and not less than five shillings.

12. In construing these, and other future By-laws or regulations made under the said Cattle Sale-yards Act, the word "Cattle" shall have the same meaning as expressed in the Dubbo Cattle Sale-yards Act of 1885.

PART VIII.

All existing By laws relating to any matter made and passed by the Council of the Municipal District of Dubbo, and at present in force, are hereby repealed.

Made and passed by the Municipal Council of Dubbo, this sixth day of June, in the year of our Lord one thousand eight hundred and eighty-seven.

(L.S.) R. J. J. RYAN,

T. W. HEAYDON,
Council Clerk.

Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF EAST ST. LEONARDS—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office, Sydney, 29th September, 1887.

EAST ST. LEONARDS MUNICIPALITY.—BY-LAWS.

THE following By-laws made by the Council of the Borough of East St. Leonards, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

HENRY PARKES.

PRELIMINARY REPEAL OF EXISTING BY-LAWS.

THAT all existing By-laws of the Council of the Borough of East St. Leonards, published in the Government Gazette, from time to time, prior to the adoption of the following, be and are hereby repealed.

PART I.

Proceedings of the Council and Committees, Duties of Officers, Servants, &c.

Ordinary meetings.

1. The Council shall meet for the transaction of business, every alternate Tuesday, at the hour of 7.30 p.m., unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council, the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from themselves a Chairman for such meeting. Whenever there shall be an adjournment of such meeting, for want of a quorum, the names of the members present shall be taken down, and shall be recorded in the minute book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council, other than special meetings:—

- (1.) The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor, or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
- (2.) Petitions (if any) to be read and dealt with in terms of Clause 13.
- (3.) Correspondence to be read, and orders made thereon, if expedient.
- (4.) Reports from Committees, and minutes from the Mayor (if any), to be presented, and orders made thereon.

- (5.) Questions as to any matters under the jurisdiction, or within the official cognizance of the Council, to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the Committees, or Officers to be made.
- (6.) Motions of which notice has been given, to be dealt with.
- (7.) Orders of the day to be disposed of as they stand on the business paper, provided that the Council may, by resolution, without notice, entertain any particular motion, or deal with any particular matter of business out of its regular order on the business paper, without any formal suspension of this By-law, and may in like manner direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council, the business—after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting—shall be taken in such order as the Mayor or the Aldermen, at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meetings.

5. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk not less than two nor more than three days, before the day appointed for such meeting. He shall enter on such business paper a copy, or the substance of every notice of motion, and of every requisition or order as to business, proposed to be transacted at such meeting, which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 3 of this Part of these By-laws), in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meetings.

6. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper, and shall be forwarded to the known address of each Alderman (in due time), according to law.

How business paper to be disposed of.

8. The business paper for each meeting of the Council, shall at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper, of the mode in which each matter entered thereon has been dealt with, and such business paper, so noted, shall be a record of the Council.

Notices of motions, requisitions and directions from the Mayor, as to business to be submitted; how these are to be dealt with.

9. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor, as to the entry of any particular matter of business, for the consideration of the Council, at its then next, or any future meeting, shall be numbered by the Council Clerk as they are received; and each notice, requisition, and direction, shall be preserved by such Clerk, until after the matter, to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been disposed of, shall be duly verified, provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction, to the Council Clerk, shall be at liberty to withdraw the same at any time, before the making up of the business paper.

Notices, &c., to be the property of the Council.

10. After the business paper shall have been made up, as aforesaid, all notices of motion, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the majority of members in Council for such withdrawal, alteration, or amendment.

*Petitions.**Petitions to be respectfully worded.*

11. It shall be incumbent on every Alderman presenting a petition, to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

12. All petitions shall be received, only as the petitions of the parties signing the same, who must be ratepayers of the Borough of East St. Leonards, and must set forth their addresses.

How petitions are to be dealt with.

13. No motion shall, unless as hereafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received, and referred to one of the permanent Committees, hereinafter mentioned; or, that it be received, and that its consideration stand an order of the day, for some future meeting; provided, however, that if any Alderman shall have given due notice of a motion, in reference to any petition, and such petition shall have been presented, before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor, as to correspondence.*

14. The Mayor shall have the same duty, in reference to letters addressed to the Council, before directing the same to be read, as by section 11 of this Part of these By-laws, is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 13 to apply to inward correspondence.

15. Section 13 of this part of these By-laws shall be considered as fully applicable to letters addressed to the Council or any of its officers as to petitions.

*Reports from Committees.**Reports.*

16. Every report from a Committee shall be in writing and signed by the Chairman of such Committee, or in his absence by some other member of the same.

Mayor's minutes.

17. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute, in writing signed by him.

How reports and minutes are to be dealt with. Duties of Chairman, &c. in certain cases.

18. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report, from a committee, or a minute from the Mayor, except that the same be received, or that it be received, and that its consideration stand an order of the day, for some future meeting; provided, however, that if any Alderman shall have given due notice, in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And, whenever any such report or minute embodies any recommendation, which cannot legally be carried out without due notice, and it is nevertheless desirable, that such report or minute shall be definitely ordered upon during the meeting of the Council, at which such report or minute is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk, such a notice of motion, requisition, or direction, as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

*Questions and Statements.**Limitation as to questions and statements.*

19. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 3 of this part of these By-laws.

Notice to be given.

20. Sufficient notice of every question shall be given to the person who is expected to reply thereto to allow for the consideration of such reply, and if necessary for a reference to other persons or to documents.

Answer not compulsory.

21. It shall not be compulsory upon the Mayor or upon any Alderman so questioned as aforesaid to answer the question so put to him.

Question to be put without argument.

22. Every such question must be stated in simple language as an interrogatory, without any argument or statement of fact.

Similar provision as to statements.

23. Every statement must be made without argument.

No discussion on question or statement; right of objection and of subsequent motion reserved.

24. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put or such reply or refusal to reply is given, or such statement is made: Provided however that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice hereinbefore provided, of any matters properly arising out of or relating to any such question or reply, or refusal to reply, or any such statement as aforesaid.

Motions and Amendments.

25. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from the business paper, and shall be considered to have lapsed.

Absence of mover.

26. No motion, of which notice shall have been entered on the business paper, shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

27. No motion in Council shall be discussed until it be seconded.

Amendment may be moved.

28. When a motion shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed until it be seconded.

Motions and amendments to be in writing.

29. No motion or amendment shall be discussed until it shall have been reduced to writing by the mover or Council Clerk.

Only one amendment shall be submitted at a time.

30. No second or subsequent amendment shall be taken into consideration until the previous amendment shall have been disposed of.

Further amendment may be moved upon the amended motion.

31. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

32. If any amendment, either upon an original question or upon any question, amended as aforesaid, shall be negatived, then a further amendment may be moved to the question, to which first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

33. No discussion shall be permitted on any motion for adjournment of the Council, and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper as may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen—how to be dealt with.

34. Every requisition by an Alderman, that any particular matter of business be brought before the Council, shall be regarded and treated as a notice of motion by such Alderman, that such business be taken into consideration by the Council; and he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto which shall be consistent with the notice of such business and with good order, and, if such Alderman be absent and has not given written authority to another Alderman under clause 26 of these By-laws; the requisition or motion shall be considered to have lapsed, or the mover, if present, and so desiring, may by permission of the Council, withdraw the same.

Orders of the Day.

Of which they shall consist.

35. The orders of the day shall consist of any matters, other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

36. Section 20 of this Part of these By-laws, shall be considered applicable to orders of the day, and the Alderman who has the charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move the same: Provided that as to any order of the day entered as aforesaid, by direction of the Mayor, the Mayor may arrange with any Alderman to move the same, and may in such case call upon the Alderman with whom he has so arranged.

Order of Debate.

Mode of addressing the Council.

37. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor, or other Chairman presiding: Provided that in the case of a question, such question may, by permission of the Mayor or Chairman, be put directly to the Alderman or Officer to be questioned, and may be replied in like manner; but, in every such case, the question so put, and the answer thereto, shall be subject to every legal objection, on the ground of disorder, or irrelevancy; and all members of the Council shall, on all occasions, when in Council, address and speak of each other by their official designations, as Mayor, Chairman or Alderman, as the case may be.

Speaker not to be interrupted, if in order.

49. No Alderman shall be interrupted while speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

39. Every mover of an original motion shall have a right of general reply to all observations, which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak oftener than once upon any question, other than a question of order, unless when misrepresented or misunderstood, in which case he may obtain permission from the Mayor or Chairman to explain, without adding any further observations that may be necessary for the purposes of such explanation.

Mover and secondor.

40. An Alderman who has moved any motion or amendment, shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment, without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

41. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to any other Alderman.

Adjournment of debate.

42. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman, upon whose motion, such debate shall have been so adjourned, shall be entitled to pre-audience, on the resumption of the debate.

Mayor to decide as to pre-audience.

43. If two or more Aldermen rise to speak at the same time the Mayor or Chairman shall decide, which of such Aldermen shall be first heard.

An Alderman may require question to be stated, or matter to be read for his information, under certain restrictions.

44. Any Alderman may request the question or matter under discussion, to be read or stated, for his information, or may require the production of any records of the Council, bearing upon such question or matter, which are readily accessible: Provided, however, that no such request or requisition shall be made so as to interrupt or obstruct business.

Mayor or Chairman not to move or second motion, but may address the Council thereon.

45. The Mayor or Chairman shall not move or second any motion or amendment, nor put any question, but such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of order.

Mayor or Chairman to decide points of order.

46. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

47. Every member of the Council who shall commit a breach of any of these By-laws, or shall move or attempt to move any motion or amendment, embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise, or attempt to raise, any question, or shall address or attempt to address the Council upon any subject which the Council has no legal right to entertain or to discuss, or who shall use any language which according to the common usage of gentlemen would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor or Chairman may call member to order.

48. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order, whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any member may raise question of order.

49. Every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation, moved, used, or made by any other member, which such first-named member may consider out of order.

Mode of proceeding thereon.

50. A member called to order, if requested by the Mayor or Chairman, shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retractation, or apology; but on obtaining such special permission, such member may explain, retract, or apologise for the matter or remark, alleged to have been out of order; and if such explanation, retractation, or apology, be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And, when any such explanation, retractation, or apology shall have been made or offered, by permission of th

Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council, as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology, be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with; provided, that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be re-opened. And, provided further, that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

51. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice, which he shall deem applicable to the case, without discussing or commenting on the same.

Motions out of order to be rejected.

52. Whenever it shall have been decided as aforesaid, that any motion, amendment, or other matter before the Council, is out of order, the same shall be rejected.

Penalties for persisting in disorderly conduct.

53. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or who shall make observations, which shall have been decided, as aforesaid, to be disorderly, or who shall refuse to make such explanation, retraction, or apology, as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 47 of this Part of these By-laws, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction, for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on a second conviction for the like offence, he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction, and for every further conviction, for the like offence, he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council as to laying down general rules, &c.

54. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman, on any such question of order or of practice, may by motion, on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or of practice, which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties, unless and until it be rescinded, but shall have no retro-active operation: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council, which, in his opinion, is contrary to law.

The Mode of Voting.

How questions are to be put.

55. The Mayor or Chairman shall put to the Council, all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions, penalty for refusing to vote.

56. Any Alderman shall be at liberty to call for a division. In such case, the question shall be put, first in the affirmative, and then in the negative; and the Aldermen shall vote by a show of hands, and the names and votes of the Aldermen present, shall be recorded. Any Alderman, who shall be present when a division is called for and shall not vote in such division, not being disqualified by a personal interest from so voting, shall be liable, for every such offence, to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting. Protests to be recorded, but may, under certain circumstances, be expunged.

57. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council. Notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution or notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committees of the whole Council.

Rules applicable to business in committees.

58. The Rules framed in these By-Laws for the regulation of business in the Council shall also apply to business in Committee, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Disorderly conduct in Committee.—Refusal to vote.

59. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 47 of this part of these By-laws, it shall be competent for any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the minute-book; and whenever any Alderman shall have failed to vote or any occasion in Committee of the whole Council, as required by section 56 of this part of these By-laws, the fact shall be reported to the Council, and such report on such fact shall be duly recorded in the minute-book; provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question on which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

60. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provisions of section 46 of this part of these By-laws, any Alderman may move that such decision be embodied in the report of the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report.

How progress may be reported.

61. Any Alderman may at any time during the sitting of the Committee of the whole Council, move that the Chairman report progress (or no progress as the case may be) and that leave be asked to sit again at a later period of the same day, or on some other day, or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sitting and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee, and want of quorum.

62. All reports of proceedings in Committee of the whole Council shall be made to the Council *viva voce* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case, the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: provided, that in making any such report as aforesaid, it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

63. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but, except as hereinafter mentioned no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption, or for the granting of such leave, and every such motion for the adoption of a report, or for the granting of leave as aforesaid, and the order of debate on such motion, shall be subject to the same rules as other motions in Council, and the order of debate on such other motions: provided, however, that where a report shall have been made under section 59 of this part of these By-laws, of disorderly conduct in Committee, or of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Standing and Special Committees.

Standing Committee.

64. Besides any such special committees as may from time to time be found necessary, there shall be three standing committees, viz., a By-law Committee, a Finance Committee, and a Works Committee, each consisting of not less than three members. These committees shall be re-appointed every year at the first meeting of the Council which shall be holden after the election of the Mayor.

Mode of re-appointing Standing Committees.

65. The re-appointment of the three standing committees mentioned shall be made by ballot. In such case a list or lists of the members shall be handed to each member then present, who shall mark against the name of each such member the title of the committee to which, in his opinion, such member ought to belong. And the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any one of such committees, the Mayor or Chairman shall decide which of such members shall be appointed to such committee.

By-law Committee.

66. This Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Borough; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Finance Committee.

67. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider affect, or are likely to affect, the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Works Committee.

68. The Works Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, sewers, lighting, wharves, public reserves, and other public places under the care and management of the Council. They shall also inquire into and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

69. Special Committees may consist of any number of members, not less than three, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty, which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members, not being less than three, to be appointed by ballot; and, in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot, be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result, and, in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committee.

70. Every Committee, of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Committee Meeting—how called.

71. The Council Clerk shall call a meeting of any Committee, when requested so to do by the Chairman, or by any two members of such Committee.

Record of transactions in Committee.

72. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept for that purpose, memoranda of all the transactions of such Committee, which book shall be the property of the Council.

Lapsed business.

73. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Motions for rescission of previous order.

74. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same; or the passage, after due notice, as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law, and such motion shall be made by call of the Council, in accordance with clause 76 of these By-laws.

Power to suspend temporarily certain portions of these By-laws.

75. Any of the foregoing By-laws or any portion thereof which relate to or affect the proceedings at meetings of the Council may be suspended *pro tempore*, without notice in cases of emergency relative to public health or safety, if all the members of the Council then present shall deem such suspension necessary.

Calls of the Council.

How call may be ordered.

76. A call of the Council may be ordered by any resolution, of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

A call necessary to rescind resolution of Council.

77. No motion, the effect of which, if carried, would be to rescind any resolution, order, or decision of the Council, shall be entered on the business paper, unless a call of the Council has been duly made and granted for such purpose.

Mode of proceeding.

78. The call shall be made immediately before the motion or business in question shall be moved or considered. Such call shall be made as follows: The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent, a record shall be made of such absence, but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.

79. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds.

Expenditure.

Cost of works to be estimated before undertaken.

80. With the exception of matters of emergency hereinafter specially provided for, no works affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Cases of emergency, and necessary current expenses.

81. In cases of emergency, the Mayor may authorize the expenditure of any sum not exceeding twenty pounds on necessary work, and such expenditure shall be reported to the Council at the next meeting; and the Mayor may order the payment of wages of officers, servants, and labourers employed at rates fixed by the Council.

Completion of works to be reported by the Works Committee before payment is authorized.

82. No works undertaken by the Council shall be deemed to have been completed, and no order shall be made for payment in full of the same, except upon a report or certificate to that effect from the Works Committee.

All claims to be examined and reported upon by the Finance Committee.

83. All accounts and demands for money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with such claim.

84. No payment shall be so ordered unless there shall be a certificate or memorandum from the Finance Committee, showing that the demand is a legitimate one, and has been duly inquired into and authorized.

The common seal and records of the Council.

The common seal, how it is to be secured.

85. The common seal shall be secured by a cover or box, which shall be kept at the Council Chambers, in the custody of the Council Clerk, under lock and key.

When and how the seal is to be used.

86. The seal of the Corporation shall not be attached to any document without an express order of the Council. In every case when the seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of the Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books and records are to be kept and inspected.

87. The Council Clerk shall keep such books of account, and such records, statements, and memoranda of receipt and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Books not to be shown and seal not to be used without permission from the Council.

88. No member or officer of the Council shall be at liberty to take any impression of the Corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section, shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence, to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence, to a penalty of not less than five pounds nor more than twenty-five pounds.

Records and books not to be removed.

89. Any person removing any book or other record of the Council as aforesaid from the Council Chamber, or from the place where, by direction of the Council, such book or other record is usually kept, without leave for such removal having been first obtained from the Mayor, or without other lawful cause for such removal, shall for every such offence be liable to a penalty of not less than ten shillings or more than ten pounds. But nothing herein contained shall be held to affect the further liability of any person who shall have removed such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same, as the circumstances of the case may warrant.

Penalty for defacing and destroying records.

90. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds or more than fifty pounds. But nothing herein contained shall affect the further liability of any person who shall alter or tamper with such books or records to such criminal prosecution as the circumstances of the case may warrant.

Officers and servants.

Mode of appointment.

91. Appointments to permanent offices at the disposal of the Council shall be made only after public notice shall have been given, stating the duties and remuneration attached, and inviting applications for qualified candidates; and whenever there is more than one candidate for such permanent office, the decision of the Council shall be determined by ballot, in such mode as may at the time be determined on.

Bonds for good conduct.

92. All bonds given by officers or servants of the Council for the faithful performance of their duties, shall be deposited in such custody as the Council may order; and no member, officer, or servant of the Council shall be received as a surety for any other officer or servant.

The duties of the Council Clerk.

93. The Council Clerk shall perform all the duties, in addition to those detailed in clause 87, which by the Municipal Act of 1867, or by these By-laws authorized thereunder, he may be required to perform. He shall be Clerk of all Revision Courts held in the Borough, under the provisions of the Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council, and shall generally assist the Mayor in the performance of his duties, and in carrying out the decisions of the Council. He shall likewise have charge of the records of such Council, and shall be responsible for their safe-keeping, with the exception of such books and documents as may be entrusted to other custody.

The special powers of the Mayor.

94. The Mayor may from time to time define the duties of all officers and servants of the Corporation, and shall exercise a general supervision over all such officers and servants; and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or with the giving of such explanation or information.

Complaints against officers and servants. How they are to be dealt with.

95. All complaints against officers or servants of the Corporation must be in writing, and must be addressed to the Mayor, and they must in every case be signed by the person or persons complaining. No notice shall be taken of any complaint unless presented in this form. All such complaints made in compliance with these conditions shall be laid by the Mayor before the Council, at the next meeting thereof which shall be held after the Mayor shall have received the same, and after the complaint has been duly recorded.

PART II.*Collection and enforcement of rates.*

Rates, on what days due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution from time to time appoint.

Where payable, and at what hours.

2. All such rates shall be paid at the Town Hall, during the hours appointed by the Council for that purpose, being the ordinary office hours of the Council.

Defaulters.

3. Every person not paying his or her rates as aforesaid within thirty days after any of the days so appointed for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce payments of all rates in default either by action at law or by issuing warrants of distraint upon the goods and chattels of the defaulter.

Enforcement by distress.

Appointment of bailiff.

5. The bailiff of the Borough shall be appointed by the Council, and may at any time be removed by them.

Bailiff to find sureties.

6. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of twenty-five pounds each, for the faithful performance of his duty.

Duty of bailiff.

7. It shall be the duty of the bailiff to make levies by distress for the recovery of rates, in the manner hereinafter provided.

Warrant of distress.

8. All levies and distresses shall be made under warrant, under the hand of the Mayor or of any Alderman who may for the time being be authorized to perform the duties of that office; such warrant to be in the form or to the effect of the Schedule hereunto annexed and marked with the letter A.

Course to be followed in distress and sale.

9. If the sum for which any such distress is made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days from the issue of the warrant, the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipality, as the bailiff may think proper to remove them to for such purpose; and he shall pay over the surplus, if any, that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

10. At the time of making a distress the bailiff shall make out a written inventory in the form or to the effect of the Schedule annexed hereto marked B, which inventory shall be delivered to the occupant of the land or premises or the owner of the goods so distressed, or to some person resident in the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the bailiff shall deliver a copy of the inventory to the owner of the goods so distrained, on demand, at any time within one month after making such distress.

Goods may be impounded.

11. The bailiff, on making a distress as aforesaid, may impound or otherwise seize the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

12. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in each case be put up for sale according to such directions.

Proceeds of distress.

13. The bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Bailiff may act by deputy.

14. The bailiff may, with the sanction in writing of the Mayor, or, in his absence, with the sanction of any two Aldermen, authorize by writing under his or their hands, any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the bailiff himself, but the bailiff and his sureties shall in every such case be held responsible for the acts of such deputy.

Costs.

15. There shall be payable to the bailiff for the use of the Council for every levy and distress made under this By-law the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of distress.

I, **Mayor of the Borough of East St. Leonards**, do hereby authorize you, **the bailiff of the said Borough**, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of **_____**, situate at **_____** for **_____**, being the amount of rates due to the said Borough to the **_____** day of **_____** for the said dwelling-house, land or premises (as the case may be), together with the costs of this distraint, and to proceed thereon for the recovery of the said rates and costs according to law.

Dated this **_____** day of **_____** 18 **_____**.

Mayor.

SCHEDULE B.

Inventory.

I HAVE this day, by virtue of the warrant under the hand of the Mayor of the Borough of East St. Leonards, dated 18 **_____**, of which a copy is attached hereto, distrained the following goods and chattels in the dwelling-house or in or upon the land or premises of **_____**, situate at **_____** within the said Borough, for **_____**, being the amount of rates due to the said Borough, to the **_____** day of **_____** and also the costs of this levy.

Dated this **_____** day of **_____** 18 **_____**.

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For making every entry and inventory	4	0
For man in possession every day or part of a day.....	7	0

For sale and delivery of goods, one shilling in the pound on the gross proceeds of the sale, in addition to the costs of advertisements (if any).

PART III.

Preventing and extinguishing fires.

Respecting use of fire and combustible materials.

1. Every person who shall place or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as to endanger any buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible, or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible, or inflammable materials to remain as aforesaid, after conviction, shall be liable to an additional penalty of five pounds for each and every period of twenty-four hours until removed.

Fences, stacks, and coverings of inflammable materials.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw or other produce, or shall cover any shed or other erection with thatch or straw or other inflammable material so as to endanger buildings, goods, trees, shrubs, grass or any other produce or property of any kind, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and shall also remove such fence, stack, thatch, or other covering forthwith. And any person failing to remove such fence, stack, thatch, or other covering within one week after conviction, shall be deemed guilty of a further offence against this By-law, and shall be liable accordingly.

Setting fire to matter without notice.

3. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air, within fifty yards of any dwelling or fence, shall for every such offence forfeit a sum not exceeding five pounds.

Firearms and fireworks.

4. Every person who shall discharge any firearms, or who shall light any bonfire, tar-barrel, or fireworks within the Borough, or who shall sell gunpowder, squibs, rockets or other combustibles, by gas, candle, or other artificial light, shall for each offence forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Every person who wilfully sets or causes to be set on fire any chimney flue, smoke-vent, or stove-pipe, herein called in common a chimney, shall forfeit a sum not exceeding five pounds, provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney, from liability to be informed against or prosecuted before any Criminal Court for such act as for an indictable offence.

Negligently suffering a chimney to catch fire.

6. If any chimney accidentally catch fire, or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings, provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in no wise owing to omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise.

Compensation and rewards for water-carriers attending at fires.

7. There shall be paid out of the Municipal funds, to the owner or driver of every water-cart who shall have attended with any water at any fire, and who shall have delivered the same as required for extinguishing such fire, such compensation as the Council shall have determined, and also the water-carriers who shall have arrived first and second in order, shall be paid such further sums by way of reward as the Council may have fixed.

PART IV.

For the regulation of horses, cattle, and vehicles in the streets.

Furious riding or driving.

1. No person riding or driving a horse or horses in any thoroughfare shall proceed at a furious pace, or shall turn a street corner or shall pass a crossing at a pace faster than a walk, under a penalty of not less than ten shillings and not exceeding forty shillings. Further, no person shall ride or drive a horse or horses in a lane not exceeding twenty feet in width at a pace faster than a walk, under a like penalty.

Riding, driving, or allowing horses and vehicles to stand on a footpath.

2. Any person riding or driving upon a footpath or crossing, or allowing his horse, horses, or vehicle to stand upon the same, shall be liable to a penalty not exceeding twenty shillings.

Careless driving and obstructing thoroughfare.

3. If the driver of any horse or bullock team shall ride upon his waggon or dray in any street of this Borough, not having a proper assistant to guide the same; or if a driver shall keep at such a distance from his waggon, carriage, or vehicle that he cannot control the same; or if such driver on meeting with any other carriage or vehicle neglect to keep the left or near side of the road; or if through carelessness or misbehaviour of any kind he shall interrupt or hinder the free passage of any other person or vehicle, then such driver or person so offending shall, upon conviction, forfeit and pay a sum not exceeding forty shillings.

Breaking in horses and driving stock loose.

4. Any person or persons who shall within this Borough ride or drive any horse or horses for the purpose of breaking in the same; or who shall drive horses or cattle loose at a pace faster than a walk, or after the hour of seven in the morning, shall upon conviction forfeit and pay a sum not exceeding forty shillings.

Vehicles to carry lights at night.

5. All vehicles shall be provided with suitable lamps, one to be fixed on each side; and in the case of omnibuses and coaches a third light shall be placed inside, and the same shall be lighted not later than half-an-hour after sundown, and shall be kept burning while the vehicles are in the streets.

Cab and omnibus stands.

6. The Council shall, by resolution, to be publicly notified, from time to time appoint any place or places within the said Municipality as stands for omnibuses, licensed hackney carriages, and cabs.

No vehicle shall remain stationary except on those stands.

7. No vehicle shall be allowed to stand or remain stationary on any street within the said Municipality except on the duly appointed cabstand for the time being, except for such time as may be reasonably required to take up or set down any passenger or passengers, or for receiving or delivering goods and parcels, and any driver or proprietor of such vehicle so remaining stationary contrary to this By-law shall, for every such offence, forfeit and pay a penalty of not more than five pounds and not less than five shillings.

Water-carts.

8. The Council shall from time to time license to ply within the Municipality such carts for the sale and carrying of water as shall upon inspection be found fit for that purpose. Every such cart shall contain or carry a tank capable of containing not less than two hundred gallons, and shall have the name of the owner, number of the license, and the words "Licensed Water-cart" painted on such cart in legible letters.

Water licences, how issued.

9. Every such license shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such license there shall be paid to the Council the sum of two shillings and six pence; and every such license shall be in force until the 31st day of December next ensuing, after the granting of the said license.

Penalty for selling water without a license.

10. Any person hawking or carrying water for sale or hire, otherwise than in a licensed water-cart as aforesaid, shall upon conviction be liable to a penalty not exceeding one pound.

Drawing or trailing timber or other material.

11. Any person who shall haul or draw or cause to be hauled or drawn, within any part of the Borough, any timber, stone, or other thing otherwise than upon wheeled vehicles; or who shall suffer any such material carried in a vehicle to drag, trail, or project to the danger or injury of persons or property, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds and not less than five shillings over and above the damage thereby occasioned.

Removal of night-soil.

12. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein, through or in any street or public place within the said Municipality between the hours of five o'clock in the morning and eleven o'clock at night, or who shall fill any cart or other carriage so as to turn over or cast any night-soil, or ammoniacal liquor, slops, mire or channel dirt or filth, in, or upon any portion of the Borough, or who shall deposit night-soil or other offensive matter as enumerated on any spot within the said Borough, without permission from the Council, or who shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or who shall cause any vehicle used for such purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or the Inspector of Nuisances, shall for every such offence, forfeit and pay a sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such vehicle in which such night-soil or other offensive matter shall have been put or placed, and also the employer of the person so offending, shall be liable to pay such penalty as aforesaid.

13. In case the Council shall sell or give away any night-soil the same shall be removed in the same manner as provided for in section 12 of these By-laws, and on being removed from the vehicles in which it is carried, shall be deodorised by chemicals, or in some other manner, or covered with earth so as to prevent any offensive smell arising therefrom. Any person guilty of a breach of this By-law shall be punishable by a penalty of not less than one pound nor more than twenty pounds.

14. No person shall be at liberty, without the permission of the Council or of the Inspector of Nuisances or other officer of the Council appointed in that behalf, to use on his own premises any night-soil; and any person committing a breach of this By-law shall be liable to a penalty of not less than two pounds nor more than ten pounds.

15. The Council may, after due application, recover such sums for attendance on earth closets, at such rates as may from time to time be decided upon and fixed by the Council to be charged in respect of such services.

PART V.

Provisions for the construction and regulation of streets and public places.

Standing rule in connection with the forming of streets and other Municipal improvements.

1. When it is decided that any work shall be executed, or any materials supplied, by contract, tenders for the execution of such work, or the supply of such material, shall be called for by public notice, in such manner as the Council may direct.

As to new roads and streets.

2. No new public road, street, way, park, or other place, proposed to be dedicated to the public, shall be taken under the charge and management of the Council until such road, street, way, or park shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works.

How the dedication of such roads is legally carried out.

3. If the Council, upon receiving the report of the Committee of Works, shall determine to take charge of any such road or other place, then the proprietor or proprietors aforesaid shall execute an instrument dedicating the same to public use; and he or they shall further provide a plan or plans descriptive of the locality or localities, duly signed, which, with the instrument of dedication, shall be preserved as records of the Council.

Change of street levels.

4. Whenever it shall be deemed necessary to alter the level of any public road, street, or way, the Committee of Works shall cause a plan and section showing the proposed cuttings, to be exhibited at the Town Hall for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. The said plan and section shall be submitted to the Council at the first ordinary meeting ensuing, and, if adopted, the same shall be signed by the Mayor or Chairman, the proposer and seconder of the motion for adoption, and shall be countersigned by the Council Clerk. And the plan and section so signed and countersigned shall be a record of the Council.

Permission to erect any building to be required from Municipality.

5. No person shall be permitted to erect any house, shop, or other building, or addition to any building, in any street, lane, or place within the said Municipality without first serving fourteen days' notice in writing on the Mayor or Council Clerk before commencing the same. The person so applying shall further set forth a plan giving full particulars of the proposed building, the position of earth closet, the system of drainage, which plan shall become the property of the Council, also the name of builder or contractor, and, upon receiving permission, he shall pay to the Council Clerk or other authorized officer a fee of five shillings; and every owner of and every builder or contractor for the erection of any such house, shop, or other building, or any part thereof, who may commence to build or work thereon without such permission being received, shall forfeit and pay for every such offence any sum not exceeding five pounds and not less than ten shillings, and no work shall proceed until the written permission shall be obtained.

Erection of closets.

6. In schools or factories or other places of business where a number of persons exceeding twelve shall reside, or be occupied, or employed, one closet shall be provided for every thirty persons; and, if a cesspit, such cesspit shall be of a capacity of eighty cubic feet for every such thirty persons, and separate closets for each sex.

Every closet shall be built with walls seven feet high, and not less than three feet six inches wide, and four feet six inches long, internal measurement, with a door capable of being fastened and provided with a fastening on the inside, and a door properly constructed for removal of pan, to open within the premises, and not direct on to any street or lane; and any person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

When two or more closets adjoin each other there shall be a sufficient dividing-wall not less than nine inches in thickness between each closet, and such wall shall extend from the bottom of the cesspit or closet to the roof of the closet, so as to effect a complete separation; and any person having or building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

Pipes and gutters.

7. It shall not be lawful for any person to carry, by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality, and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or other contrivances when required to do so by any officer of the said Council shall, on conviction, forfeit and pay any sum not exceeding two pounds nor less than ten shillings: Provided that the owner or occupier of any such premises or house may convey any such rain water by means of pipes laid under the surface of any such footways into the gutter or underground drain adjoining the same, as the Works Committee may direct.

Balconies and other portions of buildings projecting into streets may be erected upon receiving permission from the Council.

8. In streets being not less than forty feet wide the Council may, in their discretion, upon receiving applications permit the erection of balconies, verandahs, or other adjuncts to buildings extending over the footways, provided that no balcony which shall project or hang over any street, road, or thoroughfare shall be more than five feet wide nor less than ten feet in height from the bottom of the floor-joists to the proper level of the footway, and any owner or occupier of any such building who shall, when required by the proper officer, neglect or refuse to remove such erections encroaching on the street, constructed without permission, shall be liable to a penalty not exceeding five pounds and not less than one pound for every day such erections shall remain after one week's notice.

Encroachments by buildings or fences must be removed when required by the Council.

9. After thirty days' notice, served in the usual manner upon the person responsible for any obstruction on a thoroughfare, whether by building or fence, the Council may direct the removal of the same, under the superintendence of the proper officer, and at the cost of the person offending, the expense so incurred not to exceed ten pounds. Provided that the Council may, in the exercise of their discretion elect to proceed against the offender for the breach of this By-law, the penalty not to exceed twenty-five pounds and not to be less than one pound; and in the case of every subsequent offence the penalty not to be less than five pounds.

Hoads or fences to be erected around buildings while being erected, repaired, or removed.

10. Every person proposing to build, repair, or take down any building abutting on a road or footway shall, after giving notice to the Council, and before commencing the work, cause sufficient hoards or fences to be put up in order to separate each building from the street or thoroughfare, and he shall further construct a convenient platform with hand-rail for the use of foot passengers, if there be room enough outside of such hoard or fence; and he shall in all cases cause the same to be lighted during the night to the satisfaction of the Council. And any person who shall fail to put up such fence or hoard, or to maintain the same in good order while required, or who shall fail to supply lights and keep the same lighted at night to the satisfaction of the Council; or who shall fail to remove the same within a reasonable time when called upon by the Council through their officer shall, for every such offence, be liable to a penalty of two pounds for every day such default is continued.

Turf, gravel, earth, or stone not to be removed from streets or lands belonging to the Borough without permission from the Council.

11. Any person who shall remove or cause to be removed any turf, clay, sand, soil, gravel, earth, stone, or other material from any part of any street or any public place within the Municipality without leave first obtained from the Council, shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds and not less than one pound.

No person shall wantonly damage the streets.

12. Any person who shall wantonly or through negligence, in any manner whatsoever, break up or otherwise damage any street, carriage or foot-way, shall, on conviction, forfeit and pay for every such offence a sum as penalty not exceeding five pounds and not less than one pound.

Excavations to be enclosed.

13. The owner of any land whereon an excavation shall have been made, shall enclose the same with a good and sufficient fence, the said fence to be maintained while required to the satisfaction of the Council, and any such person who shall fail to erect such fence shall be liable to a penalty of not less than two pounds and not more than five pounds. And every such person who shall fail to erect such fence upon being required to do so by the Council shall be liable to a like penalty for every twenty-four hours such person fails to comply with this By-law.

Dangerous places adjoining foot ways to be enclosed.

14. Every owner of any house, land, or premises within the Borough having any area, waterhole, excavated space, or other ground adjoining the foot-road of any street, having an abrupt descent, involving danger to foot passengers, shall guard the

same by a good and sufficient fence to the satisfaction of the Council, and shall be bound to protect the spot by placing lights at night, and in any other way as the Council may direct, subject to a penalty of not less than two pounds and not more than five pounds, and on failure to comply with the order of the Council to enclose the same, shall be liable to a further penalty of not less than five pounds, if not enclosed within twenty-four hours.

Wells and tanks to be covered over.

15. Every person who shall have a well or underground tank within the limits of the Municipality shall cause such well or tank to be securely covered over to the satisfaction of the Council; and if any person having such well or tank as aforesaid, shall fail to cover over and secure the same within twenty-four hours after notice is given by the proper officer, such person shall, on conviction, forfeit and pay a sum not less than one pound and not more than five pounds, and for every day after such notice such well or tank shall remain uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against these By-laws.

Traffic may be stopped for necessary repairs.

16. The Committee of Works, or any officer acting under their authority, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any other reason approved by the Council affecting the public safety or welfare, and any person or persons offending against this By-law, either by travelling on such street, lane or thoroughfare, or by removing any fence or obstruction that may be placed therein by authority of the Council, shall forfeit and pay a penalty of any sum not less than two pounds and not exceeding ten pounds, provided that due notice is given of the stoppage of the thoroughfare by a notice exhibited on the spot.

Obstructing public thoroughfares.

17. Any person who shall place or cause to be placed any goods, building material, timber, metal, implements, vehicles, or other merchandise or plant, in, upon, or over any carriage or foot way, or encroaching upon any street or public place without the permission of the Council shall, upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding two pounds and not less than ten shillings; for the second offence a sum not exceeding five pounds and not less than two pounds; and for a third and every subsequent offence a sum not exceeding twenty pounds and not less than five pounds.

Permission to be asked of the Council before blasting rock.

18. Any person who shall desire to blast rock within the bounds of the Municipality shall give notice in writing twenty-four hours previously to the Council Clerk, who shall give such directions in regard to the same as he, acting for the Council, may think necessary for the public safety, and if any person shall blast or cause to be blasted any rock within the Borough without such permission being granted, or without conforming to the directions given, the same person shall, on conviction, forfeit and pay for every such offence any sum not less than five pounds and not more than twenty pounds.

Damaging public buildings and public property.

19. Any person who shall in any manner damage any public building, municipal erection, or improvement, or other public property within the Borough shall pay the cost of repairing the same; and if such damage be wantonly or wilfully done such person shall further forfeit and pay as penalty a sum of not less than two pounds and not more than twenty pounds.

Damaging trees.

20. Any person who shall wilfully, without authority from the Council, cut, break, bark, root-up, or otherwise destroy the whole or any part of any tree or shrub growing in or upon any street or other ground under the management of the Council, shall pay the cost of planting or replacing a similar tree or shrub of equal size and value, and he shall further be liable to a penalty not exceeding ten pounds and not less than one pound.

Breaking, damaging, or extinguishing lamps.

21. Any person who shall wantonly break or injure any lamp, lamp-post, or stone basement, or shall maliciously extinguish any lamp set up for the public safety and convenience in the Municipality, shall, over and above the expense incurred in repairing damage to the property injured and in compensating individuals who may suffer in consequence, forfeit and pay for every such offence any sum not less than two pounds and not more than twenty pounds.

Sticking placards and bills on walls and fences.

22. Any person who shall paste or otherwise affix any placard or paper on any wall, fence, or other improvement, property, or building, or who shall otherwise deface the same by chalk, paint, or other substance, shall forfeit and pay for each separate offence a sum not less than one pound and not more than five pounds.

Permis'sion to use footpath.

23. No person shall be permitted to use the footpath in connection with building operations in any way, either in stacking building materials thereon or carting on to or across the same, until a sum of money is deposited sufficient, in the opinion of the Council, to repair any damage the kerbing and guttering or asphaltting may sustain, and it shall be lawful for the Council to expend the whole of the sum deposited, or a part thereof in effecting the necessary repairs.

Opening up streets.

24. Any plumber or other person before breaking up any street to lay or connect water or other pipes, shall obtain the sanction of the Council, and shall pay a fee of two shillings and sixpence for each house he may connect.

PART VI.

Nuisances and offences against public health, safety, and decency.

Filth, rubbish, and carrion.

1. Any person who shall cast any filth, rubbish, carrion, or offal into any watercourse, sewer, creek, road, street, or pathway within the Borough, or who shall suffer slops, soap-suds, or any other liquid filth to flow from his or her premises, over any street, road, pathway, or upon any ground within the Municipality, or who shall, by depositing filth or other rubbish, obstruct or divert from its channel any sewer or water-course, shall forfeit and pay any sum not less than two pounds and not more than ten pounds.

Connecting closets.

2. Any person who shall connect a closet or cesspit with any underground drain or sewer in the Municipality, or who shall allow butcher's refuse or other solid matter to enter any such drain or sewer, shall be liable on conviction to a penalty of not less than five pounds and not more than twenty pounds; and such person shall be bound, on the demand of the Council, to disconnect such closet or cesspit or to discontinue such other nuisances, under a further penalty of five pounds for each day the nuisance may be continued.

Dead animals.

3. If any animal shall die in any part of the Municipality, and the owner of the animal or the person in occupation of the place, if private property, where such animal shall have died shall not cause such animal to be effectually removed, so that no nuisance can possibly result therefrom within the Borough, to the satisfaction of the officer appointed by the Council, such owner or person occupying shall, either or both, at the option of the Mayor, forfeit and pay for every such offence any sum not exceeding twenty pounds and not less than three pounds.

Carcases in certain cases to be removed by Municipal officer.

4. If any carcase is found in any public place, road, or vacant land within the Borough, and the owner of the same is unknown, the officer appointed by the Council shall cause the same to be removed, and the owner, when ascertained, shall be liable to pay the cost of removal, in addition to the penalty provided by the preceding By-law.

Swine not to be kept.

5. Any person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other enclosure, within one hundred yards of any street or public place or dwelling-house in the said Borough shall, on conviction, forfeit and pay for each swine so kept, a sum not exceeding five pounds and not less than one pound for every day such swine are kept on the premises.

Slaughtering animals within the borough.

6. Any person who shall slaughter or cause to be slaughtered any cattle, sheep, or swine, within the Municipality shall be liable on conviction to a penalty of not less than two pounds or more than five pounds for the first offence, and for every subsequent offence not less than ten pounds.

Animals not to stray or graze at large.

7. Any person who shall suffer any horse, ass, mule, cattle, sheep, goats, swine, or other animal belonging to him or her, or under his or her charge, to stray within the Borough, or to be tethered or pastured in any street or public place, shall, on conviction, forfeit and pay for each animal so straying or feeding a sum not exceeding two pounds and not less than five shillings. Officer appointed by the Council to have power to enter and inspect all premises.

8. For preserving the cleanliness of the Borough and the health of the citizens, it shall be lawful for any officer authorized by the Council to enter upon any premises, to inspect the same, and to give directions respecting the cleansing of the same, both within and without, as may seem to him needful. And any householder, or the occupier of a shop, tannery, manufactory, or other building, yard, or premises, who shall refuse or neglect to comply with such directions within twenty-four hours, shall forfeit and pay a sum not exceeding ten pounds and not less than one pound.

Premises in a state endangering public health.

9. If, upon the certificate of any two duly qualified medical practitioners, it appears to the Council that any house or part thereof, or that the premises occupied in connection therewith, within the Borough, is or are in such an unwholesome condition that the public health is liable to be endangered thereby, and that the repair or cleaning of the drains, whitewashing, fumigating, cleansing, or any other process would tend to check infectious or contagious disease, then the Council shall give notice in writing to the owner or occupier of such house or premises, calling upon him or her to do what is necessary to their satisfaction; and if the person so called upon shall fail to comply within such time as shall be specified in the written notice, then the officer appointed by the Council shall cause the needful work to be done at the cost of the said owner or occupier, who shall further be liable for each day during which he has made default to a penalty not less than ten shillings and not more than one pound.

Various obstructions and annoyances.

10. Every person who, in any street, or other public place or passage, within the said Borough, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than two pounds:—

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase or any part of the carcase of any newly-slaughtered animal, without a sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath, to the danger or annoyance of any person.
- (4.) Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a board or enclosure when any house or building is being erected, pulled down, or repaired).
- (6.) Every blacksmith, whitesmith, anchor-smith, nail-maker, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not closing such door, or not fastening the shutters or other fastenings of such window within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.
- (7.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
- (8.) Every person who shall carry goods, implements, timber, or other material, to the annoyance of foot-passengers upon the foot-way of any street.
- (9.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person within the said Borough.
- (10.) Any person or persons who shall sweep or cast refuse of any kind into the gutters or across the footpaths within the Borough.
- (11.) Any person or persons hanging a door or gate which shall open out into any street or lane.

Houses of ill-fame.

11. Upon representation of any ratepayer that any house or premises within the Borough, and near to the residence of such ratepayer, is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or if upon consideration, the said Committee consider the house to be one of ill-fame, they shall with the sanction of the Council, declare the same to be a nuisance; and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated, the holder of such house or premises,

or other person residing or being therein, and acting as such, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds, and if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house, or such other person residing or being therein as aforesaid, shall forfeit and pay for such second offence a sum not less than five pounds nor more than fifty pounds. And if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house or other person residing or being therein as aforesaid, shall for such third offence pay any sum not less than ten pounds nor more than fifty pounds.

Bathing prohibited within certain limits.

12. Any person who shall bathe without a proper bathing costume near to or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort, within the limits of the said Borough shall, on conviction, forfeit and pay a sum not exceeding one pound for every such offence.

Penalty for indecent conduct.

13. Any individual who shall offend against decency in any street or public place, within the said Borough, or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Loitering in the streets.

14. Any person or persons remaining idly or loitering in any road, street, or footway within the Borough, so as to obstruct the thoroughfare, or annoy foot passengers, shall be liable, on conviction for a first offence, to a penalty of not more than one pound and not less than five shillings; and for any subsequent conviction the same person shall be liable to a penalty of not less than one pound and not more than ten pounds.

PART VII.

Noisome or offensive trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

1. No person shall carry on any noisome or offensive trade or calling within the said Borough, so as to injure or be a nuisance as hereinafter stated to any of the inhabitants thereof; and the business of a soap-boiler, tallow-melter, boiler-down, glue-maker, tanner, or currier, or any other business, manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to any of the inhabitants of the said Borough, shall be considered a "noisome or offensive trade or calling" within the meaning of these By-laws. And if the Council or Mayor shall, after such inquiry as may be necessary, be of opinion that any manufacture, trade, calling, so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade or calling" within the meaning of these By-laws, it shall be lawful for the said Council or Mayor to give to the person or persons conducting, following, or carrying on such trade or calling, notice to cease and discontinue the same in such reasonable time, not being less than twenty days or more than sixty days, as the Council or Mayor may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that in such reasonable time as aforesaid the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws to any resident within the said Borough; and if such manufacture, trade, calling or operation shall not be discontinued, or shall not be so conducted as that it shall wholly cease to be noisome and offensive by the end of the time named in such notice as aforesaid, any person thereafter conducting, following, or carrying on such manufacture, trade, calling, or operation aforesaid shall for the first offence forfeit and pay a sum of not less than forty shillings, nor more than five pounds; for a second offence, a sum of not less than five pounds, nor more than twenty-five pounds; and for a third and every subsequent offence, a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome or offensive" trade is about to be commenced—Penalty.

2. The like proceedings, as in the last By-law, may be taken whenever any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, and notice may be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them, not to commence or enter upon the same; and any person who shall, after such notice, commence, enter upon, or continue any such manufac-

ture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum of not less than five pounds for the first offence, and not less than twenty-five pounds for every subsequent offence.

Service of notice.—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or wherever such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, or on any premises where the same is about to be established, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling or occupation, within the meaning and for all the purposes of these By-laws.

PART VIII.

Water supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, well, tank, spring, or other waterworks within the Borough, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein, the water of any closet, sink, sewer, drain, engine, or boiler, or other filth, unwholesome, or improper liquid, or shall wash any clothes whereby such waterworks shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than five pounds nor more than ten pounds; and for a third and every subsequent offence, any sum not less than ten pounds nor more than twenty pounds.

Wilful waste of water.

2. Whosoever, being supplied with water, either from any waterworks, fountain, pump, well, tank, or reservoir, or belonging to, or under the control or management of the said Council, or the Corporation of the City of Sydney, or having access to any such waterworks, fountain, pump, well, tank, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds; for a second offence, any sum not less than five pounds nor more than ten pounds; and for a third and every subsequent offence, any sum not less than ten pounds nor more than twenty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than twenty pounds; and if after such second conviction, such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than ten pounds nor more than fifty pounds; and if within a reasonable time after a third, or any further conviction, he shall fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum not less than fifty pounds.

Directing water from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water on any gathering ground, whosoever shall by any means whatsoever divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks or some watercourse leading thereto, or to flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than ten pounds; for a second offence, any sum not less than five pounds nor more than twenty pounds; and for a third and every subsequent offence, any sum not less than twenty pounds nor more than fifty pounds.

Supply of water in time of drought.

5. In time of drought, or scarcity of water, the Council may, by resolution to that effect, cause water to be supplied to the inhabitants of this Borough by water-carts or otherwise, and shall, by such resolution as aforesaid, fix a price to be charged for water so supplied.

PART IX.

Cesspits.

1. All cesspits within the Borough shall be emptied and filled up within three months from the time that notice may be given by the Council to do so. If the order of the Council is not complied with within fourteen days from the expiration of the notice, the owner or the occupier of the premises shall be liable to a penalty of five pounds per week for every week during which the order is not complied with.

PART X.

Sewers and drains.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, except by permission from the Council, and subject to such plans and directions as the Council may think fit to lay down, to connect any private drain with, or otherwise to interfere with the public drains or sewers, or any other water channels of the Borough; and in case any person shall so connect his drain or drains with any public drain, sewer, or waterchannel, or with any other private or other drain or channel leading therein, without such permission, such person offending shall for every such offence forfeit and pay any sum not less than five pounds and not more than fifty pounds.

Occupiers to repair and cleanse private sewers.

2. All drains and sewers within the Borough, shall from time to time, be repaired and cleansed under the inspection and direction of the Council, at the cost and charge of the occupiers or owners of the houses, buildings, land, and premises to which the said sewers and drains shall respectively belong; and in case the said occupier or owner shall neglect to repair and cleanse such drains or sewers to the satisfaction of the Council, then the officer appointed by the Council shall cause the work to be done at the cost of the said occupier or owner, who shall further be liable to a penalty for every such offence of a sum of not less than two pounds and not exceeding ten pounds.

Drains for discharge of surface water from lands.

3. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall within seven days after the service of notice by the Council for the purpose, construct and lay from

such point being near to the footway, as shall be specified in such notice and described by plan appended, a covered drain, subject to the approval of the Council when inspected by the officers appointed; and in default of compliance with such notice within the time specified, such owner or occupier shall be liable to a penalty not less than one pound and not exceeding five pounds. And if within seven days of such conviction, the owner or occupier shall still have failed to comply with such notice, he shall be liable to a penalty of not less than two pounds and not exceeding ten pounds; and for every additional seven days' default, such owner or occupier shall be liable to forfeit not less than five pounds and not more than twenty pounds.

PART XI.

Publication and enforcement of By-laws.

1. In addition to printed copies of these By-laws, which shall be distributed at public places within the Borough, there shall be affixed to the walls, street corners, and in such positions as the Council may direct, placards or fixtures of wood or metal, on which shall be printed such of these By-laws as refer to the regulation of street traffic and the public safety, as may be determined; and any person or persons who may injure, remove, destroy, deface, or mutilate the same, shall be liable to a penalty not less than one pound and not more than five pounds for each offence, on conviction.

Power of Council and officers to inspect premises.

2. For the enforcement of these By-laws the members of the Municipal Council and the officers appointed by the same shall have power to enter upon, inspect, and examine any premises, buildings, or lands, to satisfy themselves as to matters affecting the public safety, health, and well-being; and any person or persons who shall obstruct the members of the Council or their officers in such inspection, shall be liable, on conviction, for each offence, to a penalty not less than ten shillings and not exceeding five pounds.

Passed by the Municipal Council of the Borough of East St. Leonards, this 29th day of March, 1887.

(L.S.) WALTER L. VERNON,
Mayor.

PERCY A. TEMPLE,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF FIVE DOCK—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 9th February, 1888.

FIVE DOCK MUNICIPALITY—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Five Dock, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

HENRY PARKES.

MUNICIPALITY OF FIVE DOCK.

BY-LAWS of the Municipality of Five Dock, made under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively.

PART I.

By-laws repealed.

1. That all existing By-laws of the Council of the Municipality of Five Dock, published in the *Government Gazette* from time to time, prior to the adoption of the following, be and are repealed.

Proceedings of the Council and Committees; preservation of order at Council Meetings; duties of officers and servants, &c.

Meetings of the Council.

Ordinary Meetings.

2. Unless otherwise ordered the Council shall meet for despatch of business on every alternate Tuesday, at the hour of 7:30 p.m., unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council, other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Correspondence to be read, and order made thereon if expedient.
3. Petitions (if any) to be read and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the Committees or officers, to be made.

6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

7. Orders of the day to be disposed of as they stand on the business paper. Provided that it shall be competent to the Council at any time to entertain any particular motion, or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section; and also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

4. At Special Meetings of the Council the business after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Aldermen, at whose instance the Special Meeting shall be called, may have directed.

Business paper for ordinary Meeting, how prepared.

5. The business paper for every meeting of the Council other than a Special Meeting shall be made up by the Council Clerk not less than *one* month nor more than *three* days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting, which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 4, of this "Part" of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

Notice of motion, &c., to be numbered as received, and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at the then next or any future meeting shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been so disposed of, shall have been duly verified as required by section 4 of this "Part" of the By-laws. Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions and Amendments.

Motions—How to be moved.

9. Except by leave of the Council motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper and be considered to have lapsed.

Absence of proposed mover.

10. No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion, the effect of which if carried would be to rescind any motion which has already been passed by the Council, shall be entered upon the business paper, unless a call of the whole Council has been duly made and granted for that purpose.

Amendments may be moved.

13. When a motion in Council shall have been made and seconded any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

14. No second or subsequent amendment shall be discussed until the previous amendment or amendments shall have been disposed of.

Aldermen presenting petitions to make themselves acquainted with contents.

15. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions and correspondence.

16. The Council may at any meeting resolve, without previous notice, that any petition be received, and that the same or any correspondence read be referred to a Committee to report, or that the request contained therein be granted.

Mayor to preserve order.

17. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

18. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decision on points of order final.

19. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided. Any Alderman who leaves any meeting without permission shall not be allowed to take part in any subsequent proceedings at such meeting.

Mayor may take part in proceedings.

20. The Mayor may take part in all proceedings of the Council or Committees thereof.

Questions put by Mayor.

21. The Mayor shall put all questions first in the affirmative and then in the negative (provided that where an amendment is moved to any motion, the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to preaudience of Aldermen.

22. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to preaudience.

Aldermen to stand while speaking, &c.

23. Every Alderman shall stand while speaking, and shall address the chair.

No Alderman to speak twice on the same question or amendment, except in Committee.

24. No Alderman shall speak twice on the same question unless in Committee, or in explanation, where he shall have been misrepresented or misunderstood: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

25. No Alderman shall digress from the matter under discussion, or make personal reflections on, or impute motives to, any other Alderman, or speak on any question more than twenty minutes.

Aldermen using offensive expressions to apologise.

26. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council.

Debate may be adjourned.

27. A debate may be adjourned to a later hour of the same day, or to another day.

Aldermen adjourning debate entitled to precedence on resumption.

28. The Alderman upon whose motion any debate shall be adjourned, shall be entitled to precedence on resumption of the debate.

Adjournments.

29. Any motion for adjournment, if seconded, shall be immediately put without discussion; but if such motion be negatived, it shall not be competent for any Alderman to make a similar motion until thirty minutes shall have elapsed.

Any Alderman may divide Council.

30. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Alderman, and how voting, shall have been taken down by the Council Clerk, or person officiating for him.

Divisions to be entered on Minutes.

31. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

32. Any Alderman may require the question or matter under discussion to be read once for his information, and upon such request the question or matter under discussion shall be read.

Suspension of By-laws.

33. Any of these By-laws relating to or affecting proceedings at meetings of Council may be suspended *pro tempore* in cases of emergency, by resolution of the Council.

Mode of proceeding in cases not provided for.

34. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Standing and Special Committees.

Standing Committees.

35. There shall be an Improvement Committee, a Finance Committee, a Lighting Committee, a Hall Committee. These Committees shall be reappointed every year after the first meeting of the Council which shall be held after the election of the Mayor.

Improvement Committee.

36. The Improvement Committee shall have the general direction of all roads, ways, bridges, public reserves, and other places under the care and management of the Council. They shall also enquire and report from time to time upon such improvements, repairs, or other matters as they think necessary, or as they may be directed by resolution of the Council to enquire into and report upon.

Finance Committee.

37. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenue, they shall enquire and report from time to time as to all matters which they may consider to effect the finances of the Municipality, and as to such matters or subjects of the like nature, as they may be directed by resolution of the Council to enquire into and report upon.

Lighting Committee.

38. The Lighting Committee shall once at least in each Municipal year make an inspection of the Municipality, and shall recommend the erection of any additional public lamps they may consider necessary, or the removal of any existing lamps, and shall submit their report to the Council in writing.

Hall Committee.

39. The Hall Committee shall have charge of the Council Chambers Hall, and shall prepare a tariff of charges for the use of the Hall, and shall also recommend in writing any repairs, alterations, or additions they may consider necessary.

Library Committee.

40. The Library Committee shall have general control of the Public Library, and shall once at least in each year submit to the Council a written report upon the same, as to its efficacy, usefulness, and the manner in which it is conducted, and may also recommend the purchase of additional books, or any other matter or thing they have reason to consider will be of benefit.

Special Committee.

41. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which in the opinion of the Council a special Committee ought to be appointed. And no standing Committee shall interfere with the performance of any duty which may for the time have been entrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such special Committee. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; or an amendment to the effect that such special Committee be appointed by ballot may be carried.

Rules to be observed in Committee.

42. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Reports of Committee to be signed.

43. Every report of a Committee shall be signed by the Chairman thereof.

Protection of Funds and Records.

Member or Officer of Council not to be surety.

44. In case where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

45. The Council Clerk shall attend at the office of the Council, at the Town Hall, for the purpose of receiving payment of rates, and transacting the ordinary business of the Council, every Wednesday evening, from 7 to 9, and Saturday afternoon, 3 to 5.

46. The Council Clerk, in addition to the duties which, by the "Municipalities Act of 1867," or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Custody of records, seal, &c.

47. The common seal, and all charters, books, papers, and records of the Council, shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used, except with the signature of the Mayor.

Bonds for good conduct, and deeds of real and personal estate.

48. All bonds given by officers or servants of the Council for the faithful performance of their duties, and deeds of real and personal estate, shall be deposited with the bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Records, &c., not to be defaced or altered.

49. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, book, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds nor less than five pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

Nor remove.

50. Any person who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal, charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council first had and obtained, shall, on conviction thereof, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds, and for every subsequent offence a penalty of not less than five pounds nor more than fifty pounds.

Expenses of proposed works to be first ascertained.—Accounts to be examined by Finance Committee.

51. No work shall be undertaken until a probable expense thereof shall have been ascertained by the Council; and all accounts to be paid by the Council shall be examined by the Finance Committee and reported on by them before any warrant shall be issued for the payment thereof.

Outlay in urgent cases.

52. In cases of emergency arising between meetings of the Council, it shall be lawful for necessary work to be ordered without vote of the Council, viz., by the Mayor, to the extent of £20, provided that in the absence of the Mayor any four Aldermen shall have that power.

Duties of other officers and servants.

53. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be moved by the Council.

Special powers of Mayor.

54. The Mayor shall exercise a general supervision over all officers and servants of the corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have already been prepared or such explanation or information already given, and such return, statement, explanation, or information is on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information.

All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either recorded *viva voce* or put into writing as the Mayor may direct.

How complaints against officers, &c., are to be dealt with.

55. All complaints against officers or servants of the corporation must be in writing, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints must be addressed to the Mayor, who immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council. Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith. And such complaint, with all reports, explanations, and information as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded. Provided further that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 152 of the "Municipalities Act of 1867," or any other special power which now is or hereafter may be conferred by statute upon such Mayor.

Suits and prosecutions for penalties, &c.

56. Such suits or information for the enforcement of penalties, for or in respect of breaches of the "Municipalities Act of 1867," or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an Auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person—

y the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information. And no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council or of the Mayor; nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information the same shall have been dismissed on the merits. Provided that, in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an Attorney.

Levying Rates, &c.

Collection of rates.

57. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said "Municipalities Act of 1867," and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates or any of them have appointed.

Council Clerk to furnish list of defaulters.

58. It shall be the duty of the Council Clerk to furnish the Mayor and Council, or any Committee as directed, with lists of all persons so in default.

Mayor to enforce payment.

59. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcement of distress.

60. The Bailiff shall be appointed by resolution of the said Council, and shall be at any time removable by a like resolution.

61. The Bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of fifty pounds sterling each, for the faithful performance of his duties.

62. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

63. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

64. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises, or at such other place within the Municipality as the said Bailiff may think proper to remove them to for such purposes, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

65. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after the making such distress.

SCHEDULE A.

Warrant of Distress.

I Mayor of the Municipality of Five Dock, do hereby authorize you Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of situated at for the sum of being the amount of Municipal rates due to the said Municipality to the day of for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law. Dated this day of 18 .

Mayor.

SCHEDULE B.

Inventory.

I have this day in virtue of a warrant under the hand of the Mayor of the Municipality of Five Dock, dated distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of situated at within the said Municipality, for the sum of being the amount of the rates due to the said Municipality to the day of 18 .

Dated this day of 18 . Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the same is not more than £20....	2	0
Above that sum in addition for every £10....	1	0
For making and furnishing copy of inventory	2	0
For man in possession each day, or part of a day	5	0
For sale, commission, and delivery, of goods—per pound on proceeds of sale	1	0

Streets and Public Places, &c.

New roads to be reported upon.

66. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee for works, and reported upon to the Council by such Committee.

Plans of proposed new roads, &c., to be deposited.

67. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. And he or they shall execute any instrument, dedicating such road, street, way, park, or other place, as the Council may consider necessary.

Roads and streets and encroachments thereon.

68. The Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot-ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane or thoroughfare in question shall have been sold or let. And it shall be the duty of such surveyor or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way, and 12 feet for the foot-way on each side where the road, streets, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council, in any such road, street, lane, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place, until the same shall have been submitted to, and adopted by the Council as hereinafter provided: Provided further that this By-law shall be read, subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

69. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed alteration, to be exhibited at the Council Chambers for fourteen days, for the information and inspection of rate-payers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled.

70. When any foot-way shall have been marked out in manner hereinbefore directed, the surveyor or such officer or person so authorized as hereinbefore mentioned may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said foot-way or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said foot-ways.

Temporary stoppage of traffic for repairs, &c.

71. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds nor less than two pounds for every such offence.

No encroachment allowed on streets, &c.

72. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof. And it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or to make any excavation, hole, or opening in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council or Mayor has been obtained to the erecting or making of any such building, erection, obstruction, fence, or enclosure, excavation, hole, or opening as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds nor less than two pounds, and for the second and every subsequent offence a sum not exceeding ten pounds nor less than three pounds.

Obstructing Public Foot-ways.

73. If the owner or occupier of any land situated on the side of any street or road in this municipality shall permit any tree, shrub or plant, kept for ornament or otherwise, to overhang any footpath or foot-way on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped all such trees, shrubs, or plants to the height of eight feet at the least, the said Council, by their servants, labourers, and workmen, may cut or cause to be cut or lopped all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending shall, on conviction of every such offence, forfeit and pay any sum not exceeding ten pounds.

No balcony, &c., to project.

74. With regard to buildings hereafter to be built or re-built, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of, or attached to, any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide; provided also, that any person desiring to erect any such structure, shall first submit a plan for the approval of the Council.

Encroachment must be removed on notice.

75. The Surveyor or other such officer or person, may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachments in and upon any road, street, lane, or thoroughfare, under the charge of the Council. Notice shall, in this case, be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

76. In any case where after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending, provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds, nor less than five pounds; and in case of every successive offence, the penalty, on conviction, not to be less than five pounds.

Or may proceed by action:

77. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal, and to pay all the cost thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid.

To apply also to obstructions by digging, &c.

78. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said surveyor or officer, shall, on conviction, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Hoards or fences to be erected.

79. Every person intending to build or take down any building within the limits of the Municipality of Five Dock, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there be room enough to leave as a foot-way for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and handrail as aforesaid standing in good condition, to the satisfaction of the officer of the Council of the said Municipality, during such time as the public safety or convenience requires, and shall, in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and every such person who shall fail to put up such fence, or hoard, or platform, with such handrail as aforesaid, or to continue the same respectively, standing in good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

Offences.—Nuisances.—General good order of the Municipality.

Damaging public buildings, &c.

80. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, foot-way, sewer, water-course, or other property of the Municipality, shall pay the cost of repairing the same; and if the same be wilfully done, shall also forfeit and pay a sum not exceeding twenty pounds nor less than five pounds: Provided that such cost and penalty shall not exceed in the whole the sum of fifty pounds.

Injuring public fountains, &c.

81. Any person who shall injure any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same; and if the injury be wilfully done, shall also forfeit a sum not exceeding twenty pounds nor less than one pound; and any person who shall have in his possession any private key for the purpose of opening any cock, or who shall in any manner clandestinely or unlawfully appropriate to his own use any water from any public fountain or pipe, shall forfeit a sum not exceeding twenty pounds nor less than five pounds; and any person who shall open or leave open any cock of any public fountain or pump, so that the water shall or may run to waste, shall forfeit a sum not exceeding two pounds nor less than five shillings; and any person who shall wash any cloths, omnibus, carriage, cart, or other vehicle, or any horse or animal, at any public fountain or pump, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Injuring or extinguishing lamps.

82. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum not more than one pound nor less than five shillings.

Damaging trees.

83. Any person who shall wilfully, or without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum not exceeding ten pounds nor less than two pounds.

Throwing dead animals, &c., into any water-course, &c.

84. Any person who shall throw or cast any filth, rubbish, or any dead animal, or any animal with intent to drown the same, into any water-course, water-hole, creek, or canal, or who shall permit or suffer slops, suds, night-soil, sewerage matter, or filth of any kind to flow or be cast from his or her premises into any such water-course, water-hole, creek, or canal, or who shall permit or suffer any such slops, suds, night-soil, sewerage matter or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast into any water-course, water-hole, creek, or canal, or shall obstruct or divert from its channel any sewer or water-course, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such water-course or canal into its proper channel.

Throwing filth on roadways, &c.

85. If any person shall, in any street, road, lane, or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald or cut up any beast, swine, calf, sheep, lamb or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over, or be on any carriage or foot-way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any foot-way, any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow, or truck, or any cask, or shall wilfully lead, drive, or ride any horse, or other beast upon any foot-way aforesaid, shall forfeit and pay a sum not exceeding five pounds.

Placing goods, &c., on roadways, &c.

86. If any person shall set or place, or cause or permit to be set or placed, any stall, showboard, basket or goods of any kind whatsoever, or shall hoop, place, wash or cleanse, or cause to be hooped, placed, washed or cleansed, any cask or vessel in or upon or over any road, foot-way, or public place within the said Municipality, or shall set out, lay or place, or shall cause or procure, permit, or suffer to be set out, laid or placed, any coach, cart, dray, barrow, truck, or other carriage, upon any foot-way, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or foot-ways, any timber, stone, bricks, lime or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever from any house or premises over any part of such foot-ways or carriage-ways, or over any area of any house or premises, or any other matter or thing from and on the outside, or any part of any house or premises over or next to any such street or road, and shall not immediately remove all or any such matter or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stall, showboard, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or foot-ways of or next unto any streets or roads as aforesaid, in every such case every person so offending shall forfeit a sum not exceeding two pounds nor less than ten shillings.

Drawing or trailing timber, &c.

87. If any person shall haul or draw, or cause to be hauled or drawn upon any part of any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way, so as to occupy or obstruct the street or road beyond the breadth of said carriage, every such person so offending shall forfeit and pay, for every such offence the sum of two pounds over and above the damage occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor be less than one pound.

No turf, gravel, &c., to be removed from streets without leave, &c.

88. Any person who from any part of the roads, streets, thoroughfares, or public places, shall remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, or public places; or who shall wantonly break up or otherwise damage a part of the said roads, streets, thoroughfares, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound.

No driver to ride on vehicle without a person to guide his beasts (vehicle with reins excepted), or go to a distance from his vehicle, or drive on the wrong side, &c.

89. If the driver of any waggon, cart, dray, or vehicle of any kind, shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided with reins only excepted), or if the driver of any carriage or vehicle whatsoever shall be at such a distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare, that he cannot have the direction or government of the horse or horses, or cattle drawing the same; or, if the driver of any waggon, cart, dray, coach, carriage, or other vehicle, shall not drive on the left or near side of any such road, street, or thoroughfare; 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 road, street, or thoroughfare; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, or vehicle, or carriage, in or upon the same, every such driver or person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Name and place of abode, &c.

90. The owner of every such waggon, cart, dray, or vehicle of any kind, as last abovementioned, who shall allow the same to be driven through the said Municipality of Five Dock, without having his name and place of abode painted in full length on the off side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid, who shall refuse to give his and the owner's name and address, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Lights on vehicles.

91. Every person whilst driving, leading, or riding upon any cart, carriage, wain, waggon, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal, through any part of the Municipality, between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, wain, carriage, waggon, buggy, or other vehicle, under a penalty not exceeding two pounds.

As to riding or driving improperly through streets, &c.

92. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Riding or driving round corners, &c.

93. Any person who shall ride or drive round the corner of any street, road, or public place within the said Municipality, at a pace faster than a walk, shall, on conviction, forfeit and pay a sum not exceeding two pounds nor less than ten shillings for every such offence.

Loading or unloading vehicles, &c.

94. All vehicles standing in the streets to load or unload goods shall stand with one wheel only in the gutter and parallel with the kerb, and any driver so offending shall forfeit and pay for every such offence a sum not exceeding one pound nor less than five shillings.

Erection of houses, &c.—Fee for permission.

95. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the Municipality, without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall at the time the said notice is given as aforesaid pay to the Council Clerk a fee of five shillings for permission to erect any such fence, house, shop, or building in any street, lane, or other place within the said Municipality, and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Affixing placards on walls and chalking thereon.

96. It shall not be lawful for any person to paste or otherwise to affix any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof. And any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about streets.

97. Any person who shall feed, breed, or keep any kind of swine in any house, yard, or enclosure, situated and being in or within forty yards of any street or public place, or any dwelling-house in the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or

any other animal of like nature belonging to him or her, or under his or her charge, to stray or to go about, or to be tethered or depastured in any street, road, or public place within the Municipality, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Restrictions on certain trades, &c.

98. It shall not be lawful for the business of soap-boiler, tallow-melter, tripe-boiler, tanner, currier, pig-keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of or otherwise offensive to any of the inhabitants thereof, to be commenced or established within the limits of this Municipality without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall, forfeit and pay on conviction a penalty not exceeding fifty pounds nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing nightsoil; &c.

99. Any person who shall remove any nightsoil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of five o'clock in the morning and ten o'clock at night, or shall at any time remove any such nightsoil or ammoniacal liquor, otherwise than in properly covered and water-tight carts or vehicles, or in such a manner so as to upset, cast, spill, or strew any of the said nightsoil, ammoniacal liquor, slops, urine, or filth, in or upon or near to any of the streets, roads, public places, or foot-ways of the Municipality; or shall deposit or throw nightsoil, ammoniacal liquor, bones, or other offensive matter nearer to any street, road, or dwelling house, than shall from time to time be directed by the Council, or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council, or Inspector shall, upon conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such nightsoil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

100. If any person shall take away nightsoil from any house or premises within the said Municipality, or shall come with carts or carriages for that purpose, except between the hours of ten at night and five in the morning, or if any person or persons shall cast, or permit to leak or slop out of any cart or tub, or otherwise, any nightsoil in or near any of the streets or public places, he shall forfeit and pay a penalty of five pounds for every such offence, and in case the person or persons so offending cannot be found, then the owner or owners of such cart, carriage, or other vehicle employed in and about emptying and removing such nightsoil, and also the employer or employers of the person or persons so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Inspection of premises, yards, &c.—to be kept clean.

101. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose. Any owner or occupier of any house, place, or land within the said Municipality who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways, within, attached to, or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding two pounds and not less than ten shillings.

Discharging fire-arms, &c.

102. Any person who shall discharge any fire-arms without lawful cause, or let off any fireworks or other explosive matter, in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

No rock to be blasted without notice to the Surveyor, &c.

103. Any person who shall be desirous of blasting any rock within the distance of fifty yards of any dwelling-house, street, road, or other public place, shall give notice in writing, twenty-four hours previously, to the said Council or Surveyor thereof, who shall appoint, in writing, a time when the same may take place, and give such other directions as they or he may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council or Surveyor, he shall forfeit and pay for every such offence a sum not exceeding twenty pounds nor less than one pound, and for every subsequent offence shall pay a penalty not exceeding five pounds nor less than five shillings.

Entrance to cellars, &c., to be covered, &c.

104. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars, or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar-story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts, in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or if any such owner or occupier shall leave open, or not sufficiently or substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar-flap, belonging to or connected with his premises (save and except only during reasonable time for use; alteration, or repair) or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, all and every or any such rails, guard-rails, flaps, trap-doors, and other coverings, then, and in every such case, the person neglecting so to do shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath footways prohibited.

105. It shall not be lawful for any person to make any cellar, or any opening, door, or window in or beneath the surface of the footway of any road, street, or public place within the said Municipality, except by permission of the Council; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

106. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof and any public place, road, street, or footway within the limits of the said Municipality, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction, such person shall forfeit and pay a sum not exceeding ten shillings nor less than five shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that, with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavement.

107. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any foot-way or kerbstone within the Municipality of Five Dock shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Offensive or indecent placards.

108. Any person who shall in any street or place within the Municipality of Five Dock post, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

Musicians to move on.

109. Any street musician or vocalist who shall not, when requested by any householder within the Municipality of Five Dock, or his servant, or by any officer or servant of the Council of the Municipality aforesaid, or by any police officer, depart from the neighbourhood of the premises of such householder, shall be liable to a penalty not exceeding two pounds nor less than five shillings.

Persons not to stand or loiter in streets.

110. All persons standing or loitering upon any of the carriage-ways, footways, or other public places in the Municipality of Five Dock, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Municipality, or by any police officer, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Holes made for cellars, &c., to be enclosed.

111. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place, for the purpose of making any cellar or cellars, or the foundation or foundations to any other house or other building, or for any other

purpose whatsoever, and shall not forthwith enclose the same, in a good or sufficient manner, and keep up or cause to be kept up and continued, any such enclosure, or shall not when thereunto required by the said Council or officer thereof, well and sufficiently fence or enclose any such hole, within the time and in the manner provided by the preceding by-laws, and shall not place a light upon the said enclosure and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, then, and in every such case, any person so offending shall forfeit and pay for every such offence and for every such refusal or neglect, any sum not exceeding five pounds nor less than ten shillings, and on conviction for every subsequent offence not less than one pound.

Excavations, &c., to be protected by fence or wall.

112. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground, on any property adjoining or near to any public road or footpath within the limits of this Municipality, until the owner or occupier of the said property shall have erected a good substantial fence or wall at least four feet high, around such parts of the said property as adjoin such public road or footpath; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made, shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings: and all existing quarries, excavations, or precipices situated within the limits of this Municipality shall be closed and protected in the manner aforesaid, within one week after due notice to that effect shall have been given by the said Council; and in the event of the failure or neglect of the owner or occupier of any such last mentioned property to enclose the same, after notice as aforesaid, such persons so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

113. Every person who, in any street or other public place or passage within the said Municipality, shall commit any of the following offences, shall on conviction for any and for every such offence forfeit and pay a penalty of not more than two pounds nor less than five shillings:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place the carcase, or any part of the carcase of any slaughtered animal without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to and street or public place without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired.)

Every blacksmith, metal founder, lime-burner, brick-maker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall, within the distance of one hundred yards from any dwelling-house burn any rags, bones, cork, or other offensive substances (garden refuse excepted), to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame, upon any foot-way to the annoyance of any person.

Every person who shall be the keeper of, or have any dog or other animal, which shall attack or endanger the life or limb of any person in any street or public place within the said Municipality.

Noisome and offensive trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

114. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of noisome and offensive trades.

115. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke, shall be calculated to injure animal or vegetable life, or in any other way to injure or to be a nuisance to the inhabitants of the said Municipality, shall be considered a noisome and offensive trade within the meaning of these By-laws.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c., penalty.

116. Upon complaint, in writing, by any householder, that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds of such complaint, and shall report thereon to the said Council; and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such, to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality; and if such trade shall not be discontinued, or shall not be so conducted as that it shall wholly cease to be noisome and offensive within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds, nor more than twenty-five pounds; and for a third and every subsequent offence, a sum not exceeding fifty pounds, nor less than ten pounds.

Mode of proceeding when a "noisome and offensive trade" is about to be commenced.

117. The like proceedings shall be taken whenever there shall be a complaint as aforesaid, that any manufacture, trade, calling, or operation, is about to be commenced or entered upon, which is likely to prove "noisome or offensive" within the meaning of these By-laws, and the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them, not to commence or enter upon the same; and the Council shall take such measures as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not exceeding fifty pounds, nor less than five pounds.

Service of notice.—Liabilities.

118. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last-known place of abode of such occupier or owner, or upon any person upon the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws; and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation, as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation, within the meaning and for all the purposes of these By-laws.

Public Health.

Houses to be purified on certificate of two medical practitioners.

119. If upon the certificate of any duly qualified medical practitioner it appears to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the Municipality, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the white-washing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing, to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings nor more than ten pounds. Provided that each day during which such house shall, after such notice as aforesaid, remain uncleansed or unfumigated, shall be a separate offence. Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

120. If any person shall sell, let, or cause to be sold or let, any dwelling-house or part thereof, or premises occupied in connection therewith in the said Municipality, which then is, or shall have been within thirty days prior to the date of such sale or letting occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds; and any person who shall sell, let, or cause to be sold or let in the said Municipality, any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

121. Any person who shall expose or cause to be exposed in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Rubbish or offensive matter, &c.

122. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality, without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

123. It shall not be lawful for any person, without notice to the Council or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating, or to communicate, therewith, without such notice, or otherwise than as aforesaid, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds, and shall, at his own expense, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work; and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid, shall, on conviction thereof, forfeit and pay a sum not exceeding fifty pounds, nor less than one pound.

Proprietors of private sewers, &c., repair and cleanse same.

124. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, or officer thereof at the cost and charge of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence, any sum not exceeding five pounds nor less than ten shillings.

Water from roofs, &c.

125. Every owner or occupier of any dwelling-house, shop, or other building, who shall permit rain-water to fall from any roof, balcony, or other projection, upon any street, road, lane, or foot-way, or to flow over the pathway, of any such street, road, or lane; or shall cause or permit any such roof or rain-water to be discharged by any pipe upon any such street, road, lane, or foot-way, shall, if such nuisances be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence, a sum not exceeding five pounds nor less than one pound.

Drains in footpaths.

126. No surface drain shall be made in any footpath, nor any pipes laid under or across the same, without the authority of the Council, and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever, and any person who shall so offend shall forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Drains for discharge of surface water from land.

127. Every owner or occupier of land so situated that the surface or storm water, from or upon the same, shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or foot-way, shall within seven days next after the service of notice by the Council, abate such nuisances where possible, and in default of compliance with any such notice within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than two pounds nor more than twenty pounds, and every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

Natural water-courses.

128. Any person who shall close or intercept any natural watercourse, by building or otherwise, shall provide another outlet for the surface water with pipes and sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Preventing and Extinguishing Fires.

Fires and combustible materials, &c.

129. Every person who shall place, or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof) shall, on conviction, for every such offence forfeit and pay a penalty of not more than five pounds nor less than one pound, and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

130. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack, any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material in any building so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds nor less than one pound; and also remove such fence, stack, covering, or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence, stack, covering, or inflammable material within a reasonable time after any such conviction as aforesaid shall be deemed guilty of a further offence against this By-law.

Subsidy reserves to Fire Brigades.

131. For the purpose of protecting life and property in the Municipality, the Council may from time to time pay to the funds of any Fire Brigade established in the Municipality such sum or sums of money as shall be determined by resolution of the Council. And further, the Council shall pay to any Fire Brigade as shall, with any engine, have first and second in order attended at any fire within the Municipality, such sums of money by way of reward as the Council may by similar resolution have fixed.

Burning shavings, &c., in streets.

132. Any person burning any shavings or other matter or things in any streets, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Fireworks.

133. Every person who shall light any bonfire, tar barrel, or firework upon, or within sixty feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks, or other combustible matter by any artificial light other than gas, shall forfeit a sum not exceeding five pounds nor less than ten shillings,

Wilfully setting fire to chimneys.

134. Every person who wilfully sets, or causes to be set on fire, any chimney, flue, smoke vent, or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

Public amusements.

Unlawful Games.

135. No games of dice or other games of chance for money, prize-fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Municipality; and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Houses of ill-fame.

136. Upon representation to the Council by two or more ratepayers, that any house within the Municipality and near the residence of such ratepayers is of ill-fame, it shall be lawful for the Council to cause the resident of such house or premises to furnish to the Council a complete list of the names, ages, sexes, and occupations of all the inmates of the said house or premises, and upon non-compliance with such request, or if upon consideration the Council considers the house to be one of ill-fame, they shall declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or upon any person residing or being thereupon, to discontinue or abate such nuisance, within forty-eight hours of the receipt of such notice; and if such nuisance be not so abated the holder of such house or premises, or other person residing therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance be not abated within forty-eight hours after such conviction, the holder of such house or premises, or other person residing or being thereon as aforesaid, shall forfeit and pay for such second offence, a sum of not more than fifty pounds nor less than five pounds.

Places of amusement to be Licensed.

137. No dancing saloon, bowling or skittle alley, shooting gallery or similar place of amusement (other than entertainments requiring to be licensed by law) shall exist or be established within the Municipality, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided; and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license, and the Council at its next meeting shall, by resolution, cause the said license to be cancelled, or otherwise as may appear necessary or desirable; and any person or persons having already established such places of amusement who shall not within thirty days after these By-laws come into force, apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid, without having obtained such license, shall forfeit and pay a sum of not more than twenty-five pounds nor less than ten pounds.

Mode of granting license.

138. Applications for licenses as aforesaid must be in writing addressed to the Mayor and Aldermen, and must be endorsed by two householders, testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

139. License shall be granted by resolution of the Council upon payment of license fees as follows:—For every license granted between the 1st January and 31st December, one pound one shilling. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of one pound one shilling.

Polluting water reservoirs, &c.

140. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other water works belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein the water of any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper liquid, or shall wash any cloths at the public fountains or pumps, or in or at any such stream, reservoir, conduit, aqueduct, or other water works as aforesaid, or shall do anything whatsoever, whereby any water or water works belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for second offence any sum not less than one pound nor more than ten pounds; and for a third and every subsequent offence a sum not more than twenty pounds nor less than five pounds.

Supply of water in time of drought.

141. In time of drought or scarcity of water, the Council may, by resolution to that effect, cause water to be supplied to the inhabitants of this Municipality by water-carts or otherwise, and shall, by such resolution as aforesaid, fix a price to be charged for water so supplied.

Trees in streets.

142. The Council shall have power to plant trees in the streets or public ways of this Municipality, and any person wilfully injuring or destroying any such trees, or any railing or fence protecting the same, shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than two pounds, in addition to the value of the tree, railing, or fence so injured or destroyed.

143. For the purposes of these By-laws, summer months shall mean and be taken to be the months from October to March inclusive, and winter months shall mean and be taken to be the remaining months of the year.

Constructions of terms.

144. In the construction of the foregoing By-laws, the provisions of the Act, 16 Victoria No. 1, shall be applied, so far as the same shall be applicable.

Made and passed, by the Municipal Council of the Municipality of Five Dock, this 12th day of October, A.D. 1887.

(L.S.) A. W. SUTTON,

GEORGE G. EVILLE, Council Clerk.

Mayor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF GLEN INNES—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office, Sydney, 26th July, 1887.

MUNICIPAL DISTRICT OF GLEN INNES.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Glen Innes, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

ON and after the passing of the following By-laws by the Municipal Council of the Municipality of Glen Innes, and the confirmation by His Excellency the Governor, and the publication thereof in accordance with the 158th section of the Municipalities Act of 1867, the By-laws hitherto in force in the said Municipality shall be and are hereby repealed, and the following By-laws shall be and are substituted in lieu thereof, that is to say:—

PART I.

PROCEEDINGS of the Council and Committees—Preservation of order at Council Meetings—Duties of officers and servants, &c.

Meetings of the Council—Ordinary Meetings.

1. The Council shall meet for the dispatch of business at the hour of 7-30 o'clock, p.m., on alternate Tuesdays, unless any such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect, from among themselves, a Chairman for such meeting.

Whenever there shall be an adjournment of any meeting for want of a quorum, the names of the members present shall be recorded in the minute book.

Order of Business.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.

2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read and dealt with.
4. Reports from Committees and minutes from the Mayor to be dealt with.
5. Questions as to any matters under the jurisdiction, or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring the attention of the Council or any of its Committees or officers to be made.
6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper.

Provided that it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business out of its regular order on the business paper without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at any future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Alderman at whose instance such special meeting shall have been called may have directed.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of.

5. All notices of motion, &c., for consideration at general meetings shall be delivered to the Council Clerk at least four days from such meeting, in writing, and shall be numbered by him as they are received, and entered on the business paper

according to their number; and each such notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of: Provided, however, that the person giving or forwarding any such notice of motion, &c., shall be at liberty to withdraw the same at any time before the making up of the business paper.

Business paper for special meetings.

6. The business paper for a special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

8. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

After business paper made up, all notices, &c., to be the property of the Council.

9. After the business paper shall have been made up, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and amendments.

Motions—how to be moved.

10. Except by leave of the Council motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck out and be considered to have lapsed.

Absence of proposed mover.

11. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

12. No motion in Council shall be discussed until it has been seconded.

Amendments may be moved.

13. When a motion shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed until it has been seconded.

Motions and amendments to be in writing.

14. No motion or amendment shall be discussed until it has been reduced into writing.

Only one amendment at a time.

15. No second or subsequent amendment shall be discussed until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

16. If an amendment be carried the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

17. If any amendment, either upon an original question or upon any amended question, shall be negatived, a further adjournment may be moved to the question to which first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

18. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such business paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Orders of the day.

Of what orders of the day shall consist.

19. The orders of the day shall consist of any matters other than motions on notice, which the Council shall, at a previous meeting thereof, have directed to be taken into consideration, or which the Mayor or any committee of the Council, shall have directed to be entered on the business paper for consideration.

Petitions.

20. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. All petitions shall be received only as the petitions of the persons signing the same; and no debate shall take place upon the presentation of a petition until notice has been given in the usual manner.

Correspondence.

Duties of Mayor as to correspondence.

21. The Mayor or presiding Alderman shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as, by section 20 of this "Part" of these By-laws, is imposed upon Aldermen presenting petitions, and shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman.

Letters sent not to be discussed; but every letter may be subject of motion.

22. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor, or by any officer of the Council, though copies may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council, which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Questions and Statements.

Limitations as to questions and statements.

23. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of Section 3 of this "Part" of these By-laws.

Notice to be given.

24. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to document.

Order of debate.

Mode of addressing the Council.

25. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall stand when speaking, unless prevented by bodily infirmity, and shall address the chair.

Speaker not to be interrupted, if in order.

26. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Offensive language.

27. If any Alderman uses, whilst in Council, any offensive or insulting language, the words shall be written down, and he shall be asked to withdraw them. If he refuse to withdraw such language, and apologise, he shall be deemed guilty of misconduct, and be liable to a fine of not less than one pound nor more than five pounds.

Aldermen not to speak more than ten minutes.

28. No Alderman shall speak twice on any motion or amendment without the consent of the Council, except when in Committee or in explanation, where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply: Provided that no Alderman speak upon any motion or amendment for a longer period than ten minutes.

Mover and seconder.

29. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

30. No Alderman shall digress from the subject under discussion, or shall make any personal reflections on, nor impute improper motives to any other Alderman.

Adjournment of debate.

31. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned, shall be entitled to pre-audience on the resumption of the debate.

Privilege of Mayor or Chairman.

32. The Mayor or Chairman shall have the same privilege as any other Alderman in making or seconding a motion, and have the right of speaking on any subject or amendment introduced. The Mayor or Chairman shall rise when so speaking, but shall be considered as still presiding.

Questions of order.

Mayor or Chairman to decide points of order.

33. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

34. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any other language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be deemed to be out of order.

Points of order.

35. Any Alderman may at any time call the attention of the Mayor or chairman to any Alderman being out of order, and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, unless such decision shall be questioned by any Alderman, when the sense of the majority shall be taken without discussion.

Mode of voting.

How questions are to be put.

36. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalties for refusing to vote.

37. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

38. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not less than seven days after such notice. The Council Clerk shall enter every such protest in the minute-book, but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committees of the whole Council.

Business in Committee.

39. The Business Committees of the whole Council, shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Disorderly conduct in Committee.—Refusal to vote.

40. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 34 of this Part of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the minute-book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 37 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Committee resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has failed to vote.

How progress may be reported, &c.

41. Any Alderman may, at any time during the sitting of a Committee of the whole Council, move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on some other day, or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sitting, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

42. All reports of proceedings in Committee of the whole Council shall be made to the Council, *viva voce*, by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making any such report as aforesaid, it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

43. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption, or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid, and the order of debate on such motion, shall be subject to all the same rules as other motions in Council, and the order of debate on such other motions: Provided, however, that where a report shall have been made under Section 40 of this "Part" of these By-laws, of disorderly conduct in Committee, or under Section 37 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, as far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretence whatever.

Calls of the Council.

How calls may be ordered.

44. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such calls compulsory in certain cases.

45. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

46. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding Section, shall be moved or considered, such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse, in writing, shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.

Further call when question adjourned.

47. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than five shillings nor more than one pound: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

*Standing and Special Committees.**Standing Committees.*

48. Besides any such special committees as may from time to time be found necessary, there shall be three standing committees, namely, a By-law Committee, a Committee for Works, and a Finance Committee, each consisting of not less than three members. These Committees shall be re appointed every year at the first meeting of the Council which shall be holden after the election of the Mayor, and such committees may be called together at any time by direction of the Chairman or any two members of such Committee.

Reports from Committees.

49. All reports from Standing Committees to be presented in writing and signed by the Chairman or any two members of such Committee. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction by a minute in writing.

Duties—By-law Committee.

50. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Municipality; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or Statutes, and for the preservation of public health, order, and decency.

Committee for Works.

51. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements and repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

52. The Finance Committee shall examine and check all accounts before payment, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Special Committees.

53. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed; and no standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee; or he may propose that such Committee consist of a certain number of members to be appointed by ballot. And in the event of its becoming necessary, through an equality of votes to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committee.

54. Every Committee, of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Records of transactions in Committee.

55. The Chairman of each standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

How reports, &c., are to be dealt with—Duties of Chairman, &c., in certain cases.

56. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if any order for the consideration of such report or minute shall have been entered among the orders of the day, it may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot be legally

carried out without such due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which it is presented, it shall be the duty of the Chairman, or members of such Committee signing such report, or of the Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid, as will enable the Council Clerk to make the necessary entry on the business paper, and to give due notice.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

57. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of £5.
2. By order of the Mayor for necessary current expenses, to the extent of £2.
3. By order of the Mayor and any two Aldermen, or without the Mayor, of any four Aldermen, for any emergent purpose, to the extent of £5.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Aldermen, by whom such outlay shall have been authorized; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

Certificate required with each claim.

58. No payment shall be ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the Officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized and inquired into.

Common Seal and Records, &c.

59. All charters, deeds, muniments, and records of the Municipality shall be kept in the office thereof, in the custody of the Council Clerk, unless the Council shall otherwise order. All papers, deeds, contracts, and agreements requiring to be sealed with the common seal shall be witnessed by the Mayor and Council Clerk. For the purpose of authenticating documents the common seal may be attached thereto, witnessed by the Mayor and Council Clerk, for which a fee of twenty-one shillings shall be paid.

Impression of seal not to be taken, &c., without leave of Council.—Penalties.

60. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than ten shillings nor more than two pounds; for a second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.

61. Any person removing any such book or other record of the Council as aforesaid from the Council Chamber, or the place where by direction of the Council, such book or other record is usually kept, without leave for such removal having been first obtained from the Council, or without other lawful cause for such removal, as hereinafter provided, shall, for every such offence, be liable to a penalty of not less than ten shillings nor more than ten pounds.

Penalty for defacing or destroying record.

62. Any person destroying, defacing, or altering any record of the Council, shall for every such offence, be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Notice to candidates in certain cases.

63. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of not less than fifty pounds per annum, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications from qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

64. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Bonds for good conduct.

65. The Council Clerk and such other officers as the Council may determine, shall be required to enter into an approved bond for the faithful performance of their duties. All bonds given by officers or servants of the Council shall be deposited with the bankers of the municipality; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

66. The Council Clerk, in addition to the duties which, by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may be entrusted to any other office, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in the performance of his duties, and in carrying out the orders of the Council.

How complaints against officers, &c., are to be dealt with.

67. All complaints against officers or servants of the Council must be in writing and addressed to the Mayor, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints, as aforesaid, shall be laid by the Mayor before the Council at the next meeting thereof, which shall be holden after the Mayor shall have received the same and shall be duly recorded.

Miscellaneous.

Leave of absence.

68. No leave of absence shall be granted to any officer—otherwise than by a resolution of the Council—except in cases of emergency, when leave may be granted by the Mayor, who shall report the same at the next meeting of the Council.

Motions for rescission of previous orders, &c.

69. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-laws which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice, as hereinbefore provided, and in due course of law, of any By-law, for the repeal or amendment of any other By-laws.

Lapsed business.

70. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council after due notice, and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

71. Such suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows:—When against a member of the Council, or an Auditor, or any officer of the Council—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose. When against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council or the By-law Committee, or the Mayor, as the case may be, on directing each suit or information as aforesaid, and no suit shall be brought, or information laid, as aforesaid, against any member of the Council, or Auditor, except by order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of such Council, or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any information be directed to be laid, as aforesaid, except on an express resolution of the Council, in any case where the bring-

ing of such suit, or the laying of such information, will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Powers to suspend temporarily certain portions of these By-laws.

72. Any of the foregoing By-laws or any portion thereof which relate to or affect the proceedings at meetings of the Council, may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and enforcement of Rates.—Times and modes of collection.

Collection of rates.

1. All rates levied or imposed by the Council under the provisions of the Municipalities Act of 1867, and for the purposes mentioned in the said Act, shall be collected yearly; and each rate shall be held to be due and payable on and after such days, as the Council shall by resolution appoint at the time of making or imposing such rate.

Rates to be paid at office of Council Clerk.

2. All rates made and authorised by the Council shall be paid at the Council Chamber of the Municipality, or at any other place appointed by the Council, at such hours and on such days as the Council shall from time to time appoint.

Unpaid rates.

3. The Council Clerk shall prepare, at such times as he may be ordered by resolution of the Council or the Mayor, a list of the names of all persons whose rates are unpaid at the expiration of the time fixed for the payment of the same, and the Mayor shall take immediate proceedings either by summons or by the issue of distress warrants against defaulters.

Bailiff.

4. The Bailiff shall be appointed by resolution of the Council, and shall be at any time removable by a like resolution.

Levy and distress.

5. The Bailiff shall make all levies and distress under warrant signed by the Mayor, in the form of schedule marked A, hereto annexed, and shall be paid for every such entry and levy made under these By-laws the fees as per Schedule B annexed hereto.

Making a distress.

6. At the time of making a distress the Bailiff shall forthwith make out an inventory, written in the form and to the effect of the Schedule annexed hereto, marked C, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident in the place where the distress has been made, and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress has been made, and the Bailiff shall deliver a copy of such inventory to the Council Clerk for the information of all parties concerned.

Bailiff to enter upon land, &c.

7. It shall be lawful for the Bailiff, and such assistants as he may require, to enter into any part of the land, building, tenement, or other property in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods thereon or therein, and to remain in such building, tenement, or other property in charge thereof; and if the sum for which distress shall have been made or taken shall not be paid on or before the expiration of five days it shall be lawful to sell the goods so distrained or a sufficient portion thereof, by public auction, either on the premises or at such other place within the Municipal District as the said Bailiff may think proper to remove them for such purpose; and the surplus (if any) that may remain after deducting the sum distrained for, together with the expenses attendant upon such distress, shall be paid over on demand to the owner of the goods so sold: Provided always that nothing herein contained as to the time of sale shall apply to any crop of cereals, fruit, or vegetables which may be growing at the time when such distress shall be made.

Bailiff may impound.

8. The Bailiff when making a distress as aforesaid may impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such places or in such part of the land or premises chargeable with the rate, as shall be most fit and convenient for that purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days hereinbefore mentioned, to come and go to and from such place or part of the said land and premises where any distress shall be impounded and secured as aforesaid in order to view and buy, and to carry and remove the same on account of the purchaser thereof.

Goods how to be sold.

9. The owner of any goods so distrained upon may by writing direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in such case be put up for sale according to such direction.

Proceeds of sale to be paid to Council Clerk.

10. The bailiff shall hand over to the Council Clerk all proceeds of such distresses as soon as possible after such sales, also the copy of every inventory, and account of every such sale or sales.

Bailiff may appoint deputy.

11. The Bailiff, with the sanction of the Mayor, may authorize any person to act temporarily as his deputy, and the person thus authorized shall have and exercise for the time being all the powers of the Bailiff himself; but the Bailiff and his sureties shall in such cases be held responsible for the act of such deputy.

SCHEDULE A.

Warrant of Distress.

I, Mayor of the Municipal District of Glen Innes, do hereby authorize you Bailiff of the said Municipal District, to distrain the goods and chattels of the dwelling-house (or in or upon the land and premises) of situate at in Glen Innes, in the Colony of New South Wales, for the undermentioned sums of money, that is to say,

General Rate for the Municipal year 18— £
 Lighting Rate for the Municipal year 18— £
 the said sum of being the amount of rates due to said Municipal District to the day of 18 including that day for the said dwelling-house, land, or premises, together with the costs of the distraint, and to proceed thereon for the recovery of the said rates and costs according to law.

Dated this day of 18 Mayor.

SCHEDULE B.

Costs.

	s.	d.
For every warrant of distress	3	0
For serving every warrant and making levy	3	0
For making and furnishing copy of inventory	3	0
For man in possession each day or part of a day ...	8	0
For sale and delivery of goods one shilling in the pound on the gross proceeds of the sale in addition to the costs of advertisements (if any).		

SCHEDULE C.

Inventory.

I have this day, by virtue of a warrant under the hand of the Mayor of the Municipal District of Glen Innes, dated the day of 18, of which a copy is attached hereto, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of situate within the said Municipal District, for the sum of £ being the amount of rates due to the said Municipal District to the day of 18, including that day, and also the costs of this levy.

Dated this day of 18 Bailiff.

PART III.

Preventing and extinguishing fires.

Fire or combustible materials.

1. Every person who shall place, or knowingly permit to be placed, in any house, workshop, out-office, or other premises, fire, gunpowder, or combustible materials, or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction of every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after such conviction, shall be deemed guilty of a further offence against this By-law.

Fireworks, &c.

2. Every person who shall discharge firearms without lawful cause, or who shall light any bonfire, tar-barrel, or fireworks upon or within fifty yards of any public or private streets, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

3. Every person who wilfully sets, or causes to be set on fire, any chimney-flue, smoke-vent, or stove-pipe herein called in common a "chimney," shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall

exempt the person so setting or causing to be set on fire any chimney, from liability to be informed against or prosecuted before any Criminal Court for such act as an indictable offence.

Setting fire to matter, &c.

4. Every person who shall wilfully set fire to, or allow to be kept burning any inflammable matter whatsoever in the open air within five yards of any dwelling-house or other building or boundary or dividing fence within the said Municipality, between the hours of six in the afternoon of any day, and six in the morning of the following day, shall for every such offence forfeit and pay a sum not exceeding five pounds.

Erection of bark buildings.

5. All persons are prohibited from erecting buildings any portion of which shall be constructed of bark or other dangerously inflammable material; and any person or persons erecting such buildings shall forfeit, on conviction of every such offence, a penalty of not more than twenty pounds: Provided that this By-law shall only be enforced within the now populous portion of the Municipality, that is to say within the following boundaries: Commencing on the west by Furracabad-street, on the north by Shilling-street, on the east by Hunter-street, on the south by Heron-street, inclusive of frontages by both sides of the streets named.

PART IV.

Notices, Streets, and Public Places.—Public Health and Decency, &c.

Mode of calling for tenders.

1. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

2. A draft of every intended By-law shall lie at the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

How notices are to be published.

3. In all cases where public notices is, or shall be required to be given by any By-law, of any appointment, resolution, act, order, or regulation of the Council, or any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same in some newspaper circulating in the Municipality.

Persons obstructing Officers of the Council.

4. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing, or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer, in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Regulations of streets, public places, &c.

5. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council, until after such road, street, way, or park, shall have been examined by a Committee for Works, and reported to the Council by such Committee.

6. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the extent and position of such road, street, way, park, or other place as aforesaid. And he or they shall execute any instrument dedicating such road, street, way, park, or other place, as the Council may consider necessary.

Change of street levels.

7. Whenever it may be deemed necessary to alter the level of any such public road, street, or way, as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings, to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section so signed and countersigned shall be a record of the Council.

Roads and streets, and encroachments thereon, &c.

8. The Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and footways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had when practicable to the plans under which the land with the frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Surveyor or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way, and 12 feet for the footway on each side where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, or lane, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Footways may be levelled, &c.

9. When any footway shall have been marked out in the manner hereinbefore directed, the Surveyor or such other officer or person so authorized, as hereinbefore mentioned, may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination; and for this purpose may remove any flaggings, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is, or may hereafter be, erected or placed on the space marked out for any of the said footways.

Erection of house, fee for permission, &c.

10. No person shall be permitted to erect any house, shop, or other building, in any street, lane, or place within the said Municipality, without first serving seven days' notice in writing on the Mayor or Council Clerk, or other duly authorized officer, before commencing the same, stating his intention, setting out a plan, and giving particulars of the proposed building; and at the time the said notice is given, paying to the Council Clerk or other duly authorized officer a fee of five shillings for permission to erect such house, shop, or other building; and every owner of, and every contractor for, such house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given, and such permission obtained from the Council, shall forfeit and pay for every such offence the sum of forty shillings.

Pipes, gutters, &c.

11. It shall not be lawful for any person to carry by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality; and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any officer of the said Council, shall on conviction, forfeit and pay any sum not exceeding £2 nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain-water by means of pipes laid under the surface of any such footways into the gutter adjoining the same, subject to the approval of the Committee for Works or other duly authorized officer.

No balcony, &c., to project.

12. With regard to buildings, hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-course, dressing, or other architectural decoration forming part of, or attached to any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building be allowed to project as aforesaid, under a penalty not exceeding five pounds, nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico or balcony shall be permitted to be erected in any street less than thirty feet wide: Provided also that any person desiring to erect such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

13. The surveyor or such other officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in or upon any road, street, lane, or

thoroughfare under the charge of the Council. Notice shall, in this case, be served either personally, or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same, or caused it to be erected.

Council may move encroachments.

14. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of By-laws, the penalty not to exceed twenty-five pounds, nor be less than one pound; and in case of every successive offence the penalty, on conviction, not to be less than five pounds.

Or may proceed by action.

15. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid.

To apply also to obstructions by digging, &c.

16. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said surveyor or officer, shall, on conviction, forfeit and pay a penalty of not less than two pounds, nor more than twenty pounds.

17. If the owner or occupier of any land, situate on the side of any street or road in this Municipality, shall permit any tree, shrub, or plant kept for ornament or otherwise to overhang any footpath or footway on the side of any such street or road; and on demand made by the Council, shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at the least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut, or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

Hoards or fences to be erected.

18. Every person intending to build or take down any building within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on, from the street with a convenient platform and hand-rail, if there be room enough to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the officer of the Council of the said Municipality, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and any such person who shall fail to put up such fence or hoard, or platform, with such hand-rail as aforesaid, or to continue the same respectively, standing in good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality, within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

19. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or footway of any street or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or footway, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

20. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left any hole, adjoining or near to any street or public place within the said Municipality, for the purpose of making any vault or vaults, or foundation to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not first enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works, or any authorized officer of the said Municipality, or shall keep up or caused to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, or the said officer, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect, any sum not less than forty shillings, nor exceeding five pounds.

Open spaces and steps adjoining the footways to be enclosed under penalty.

21. Every owner or occupier of any house, building, premises, or land within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot, water-hole, or excavated space, adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than ten shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid within fourteen days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.—Penalties.

22. Every person who shall have a well or underground tank, used for domestic or other purpose, situated between his or her dwelling-house or the appurtenances thereof, and any road, street, or footway within the limits of the said Municipality, or at the side of, or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

23. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds, nor less than ten shillings for every such offence.

Drawing or trailing timber, &c.

24. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof; or to hang over any part of any such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall, upon conviction, forfeit and pay for every such offence a sum of not more than forty shillings, nor less than five shillings over and above the damages occasioned thereby.

Driving carriages, &c., on footways, and throwing filth, &c.

25. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or footway or any street or other public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut

up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or foot way; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place any waggon, cart, dray, sledge, or other carriage, or any wheel, wheelbarrow, handbarrow, or truck, or any hoghead, cask, or barrel, or shall wilfully lead, drive or ride any horse, ass, mule, or other beast, or any wheeled vehicle, upon any such footway, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle refuse to give his name and address, the owner of the same may be prosecuted under this By-law for causing a breach of the same.

Placing goods, &c., on roadway, &c.

26. If any person shall set or place, or cause or permit to be set or placed, any stall, showboard, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any cask or vessel in or upon or over any road, footway, or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or footways any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinbefore directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal or other thing or matter whatsoever from any house or premises over any part of such footways or carriageways, or over any area of any house or premises, or any other matter or thing from and on the outside or any part of any house or premises over or next to any such street or road, and shall not immediately remove all or any such matters or things being thereto required by the Council or any officer thereof, and shall not continue and keep the same removed; or if any person having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall, showboard, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid) in, upon, or over any of the carriage or foot ways of or next unto any streets or roads as aforesaid, in every such case every person so offending shall forfeit and pay a sum not exceeding forty shillings, nor less than ten shillings; for the second offence a sum not exceeding five pounds nor less than one pound; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than two pounds.

Slop, nightsoil, &c., to be conveyed away only at certain hours.

27. Any person or persons who shall drive or cause to be driven, any cart or other carriage with any nightsoil or any other offensive matter therein, through or in any street or public place within the said Municipality between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any nightsoil, or any other offensive matter, in or upon any such street or public place, or shall deposit nightsoil, or other offensive matter, nearer to any street, road, or dwelling-house, than shall be directed by the said Council or by the Inspector of Nuisances, or shall remove nightsoil or other offensive matter otherwise than in properly covered and watertight carts or other vehicles, or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds, nor less than one pound; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such nightsoil or other offensive matter shall be put or placed, and also the employer of the person so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

28. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, 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, that he cannot have the direction and government of

the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, dray, cart, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any other carriage under his or her care upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings, nor less than ten shillings.

As to driving or riding improperly through streets.

29. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, or who shall not carry a light upon any vehicle after an hour after sundown to daylight, shall forfeit and pay any sum not exceeding five pounds nor less than ten shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

30. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place, or dwelling-house in the said Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than two pounds nor more than five pounds.

Public Property.

Injuring or extinguishing lamps.—Damaging buildings, &c.

31. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, or who shall damage any public building, wall, fence, culvert, watercourse, or other public property within the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Affixing placards on walls, and chalking thereon.

32. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house, or building by chalk, paint, or in any other manner, unless with the consent of the owner thereof. Any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding forty shillings nor less than ten shillings.

Damaging trees.

33. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Nuisances.

Dead animals, &c., not to be thrown into any public water-course, &c.

34. Any person who shall cast any filth, rubbish, or any dead animal or any animal with intent of drowning, into any public water-course, sewer, water-hole, river, creek, road, or pathway; or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such water-course, water-hole, river, creek, road, or pathway, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatever to flow into any public water-course, water-hole, river, creek, road, or pathway; or shall obstruct or divert from its channel any sewer or water-course, river, creek, or canal, shall forfeit and pay any sum not exceeding five pounds nor less than ten shillings.

Dead animals—mode of removal.

35. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he or she shall for every such offence forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Dead animals in certain cases to be removed at the cost of the Municipality.

36. If any animal shall die in any public place or street within the said Municipality, and the owner or any person having charge of such animal cannot at the time be found or ascertained, it shall be immediately removed by the Inspector of Nuisances, or other officer appointed by the said Council, and destroyed in the manner aforesaid at the cost of the Municipality.

Hog-sties to be one hundred feet from streets; and animals straying, &c.

37. Any person who shall breed or keep, so as to be a nuisance, any kind of swine in any house, building, yard, garden, or other place situated and being within one hundred feet of any street or public place within the now populous portion of the Municipality (that is to say within the following boundaries: Commencing on the west by Furracabad-street, on the north by Shilling-street, on the east by Hunter-street, on the south by Heron-street, inclusive of both frontages by both sides of the streets named), or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, belonging to him or to her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, within the boundaries as hereinbefore described, shall on conviction, forfeit and pay any sum not exceeding forty shillings nor less than five shillings, for such and every animal so bred, kept, suffered to stray or go about, or to be tethered or depastured in any such street, road, or public place, as aforesaid; and the owner or occupier of any house or premises, or other place within the aforesaid boundaries, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatever, shall, within the meaning of these By-laws, be deemed the owner of every such animal so bred, kept, suffered to stray or to be tethered or depastured in any such street, or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place" wherein any kind of swine shall be bred or kept as aforesaid, shall be respectively deemed hog-sties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entire, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Cleansing Butcher's shambles, slaughter-houses, &c.

38. For preserving the cleanliness of the said Municipality, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butcher's shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments in the said Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds, nor less than ten shillings.

Complaints respecting dirty premises, &c.

39. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of; and the officer of the said Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his or her control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool, to overflow or soak therefrom, shall, for every such offence, forfeit and pay a sum not exceeding five pounds, nor less than one pound.

Various obstructions and annoyances.

40. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance or danger of the residents or passengers, shall commit any of the following offences shall, on conviction for any and for every such offence, forfeit and pay a penalty not exceeding two pounds, nor less than ten shillings.

- (1). Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house or premises fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

- (2.) Every person who shall carry and convey, or cause to be carried and conveyed in any street or public place the carcase or any part of the carcase of any newly-slaughtered animal without a sufficient and proper cloth, covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub to overhang the footpath, to the danger or annoyance of any person.
- (4.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material, or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down or repaired.)
- (5.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance to the annoyance of any inhabitant.
- (6.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Persons not to stand or loiter in streets.

41. Any person or persons standing or loitering upon any of the footways or other public places in this Municipality, to the inconvenience or annoyance of the inhabitants or passers by, or in any way interrupting the traffic, and shall not discontinue to do so on being requested by any officer or servant of the Municipal Council of this Municipality, or any police officer, shall, on conviction, forfeit and pay a penalty not exceeding two pounds nor less than ten shillings.

Premises in a state to endanger public health.

Houses to be purified on certificate of two Medical Practitioners.

42. If, upon the certificate of any two duly qualified medical practitioners, it appears to the Council that any house, or part thereof, or of the premises occupied in connection therewith, within the said Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse or purify the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he or she shall be liable to a penalty not exceeding ten shillings for every day during which he or she continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against decency.

Bathing prohibited within certain limits.

43. Any person who shall bathe near to or within view of any inhabited house, or of any public bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of six o'clock in the morning and eight in the evening, shall, on conviction, forfeit and pay a sum not exceeding one pound nor less than five shillings.

Penalty for indecent exposure of the person.

44. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality, or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

Houses of ill-fame.

45. Upon representation of any respectable ratepayer, that any house or premises within the Municipality, and near to the residence of such ratepayer, is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or if, upon consideration, the said Committee consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and shall cause a notice, in writing, to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated the holder of such house or premises, or other person residing or being therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor

more than twenty pounds. And if such nuisance shall not be abated within forty-eight hours after such conviction such holder of such house or such other person residing or being therein as aforesaid, shall forfeit and pay for such second offence a sum of not less than five pounds nor more than fifty pounds. And if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house or other person residing or being therein as aforesaid, shall, for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

Damming up water without consent.

46. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if, within a reasonable time after a third or any further conviction, he shall still fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Occupiers to repair and cleanse private sewers, &c.

47. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the direction and inspection of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private sewer or drain to be repaired and cleansed; according to the direction of the said Council, he or she shall forfeit and pay, for every such offence, any sum not exceeding five pounds, nor less than ten shillings.

PART V.

Under the "Nuisances Prevention Act, 1875."

By-laws of the Municipal District of Glen Innes, made under and for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. Every owner of any dwelling or place of business within the Municipality shall be compelled to provide and erect a closet for every such dwelling or place of business, in conformity with the By-laws as hereinafter provided; and any such owner neglecting to comply with this By-law after receiving seven days notice from any authorized officer of the Council, shall forfeit and pay, for every such neglect, any sum not exceeding five pounds nor less than one pound.

2. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall, before he shall commence to erect such closet or to form, excavate or make any cesspit, deliver to the Council Clerk of the said Municipal District, a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected or such cesspit formed, excavated, or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said Municipal District without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Municipal District of Glen Innes, or other officer for the time being appointed by the Council of the said Municipal District in that behalf), he or she shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

3. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by the Inspector of Nuisances or other officer as aforesaid; and any person who shall erect, or commence to erect, any closet, or to form, excavate, or make any such cesspit without having obtained the approval of the said inspector or other officer, or in any place or position other than the place or position approved of by the said inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings. But any person who shall feel aggrieved by the decision of such inspector or other officer may appeal against the same to the Council.

4. Every cesspit to be constructed within the Municipal District of Glen Innes shall be built of 9 in. brickwork, set in cement, floor as well as walls; and the top of such cesspit shall be at least 6 in. higher than the highest part of the surface of the ground immediately joining such cesspit; and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than 20 ft. therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house, or at a less distance than 20 ft., area permitting, shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

5. For houses containing not more than four rooms and out-houses the cesspit shall not be less than 3 ft. by 4 ft., and 5 ft. deep, inside measurement; for houses containing more than four rooms and out-offices, the cesspit shall be not less than 3 ft. 6 in. by 4 ft. and 5 ft. deep inside measurement.

6. Every closet shall be built with walls 7 ft. high, and shall not be less than 3 ft. 6 in. wide, and 4 ft. 6 in. long, and shall be provided with a door capable of being fastened inside; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

7. Where two or more closets adjoin each other there shall be a sufficient dividing-wall not less than 9 in. in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he or she shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

8. In schools, factories, or other places of business, where a number of persons exceeding twelve shall ordinarily reside, or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets, and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

9. If any alterations shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency, in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

10. Owners of existing closets and soilpits may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these regulations on notice being given by the Inspector of Nuisances to that effect; persons failing to make such alterations or improvements within one month after the receipt of such notice shall be liable to a penalty of not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with the terms of the said notice.

11. The night-soil shall be removed by contract in properly constructed watertight, covered vehicles, between the hours of 10 p.m. and 5 a.m.

12. Persons desirous of using earth closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangement shall be approved by the Council.

13. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act, 1875," therein, on all days except Sundays and holidays; and any person who shall hinder or obstruct any Inspector of Nuisances, or other officer as aforesaid, upon any such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not more than two pounds, nor less than ten shillings.

14. All expenses incurred by the Council in emptying any cesspit shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit is situated, within one week after a written demand of the amount made by the Council shall have been served upon him, otherwise the same may be recovered in a summary way before any two Justices of the Peace.

15. The Inspector of Nuisances shall furnish the Council with a monthly return, showing the number of cesspits emptied, the amount due and payable for each cesspit, and the amount of arrears due for emptying cesspits. He shall collect the amounts so due and payable, and account therefor to the Council at every general meeting, or as may be from time to time determined upon by such Council.

PART VI.

Noisome and offensive trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

1. No person shall carry on any noisome or offensive trade within the said Municipality, so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "Noisome and Offensive Trades."

2. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade," within the meaning of the By-laws.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.

Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, or to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, or her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid the same shall wholly and permanently cease to be noisome and offensive, within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome and offensive trade" is about to be commenced.

Penalty.

4. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, or calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws, to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling or operation, so that the same shall be in any way "noisome and offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

PART VII.

By-laws of the Glen Innes Free Public Library.

1. The Library, while held temporarily in the present Municipal buildings, shall be open daily from seven till ten o'clock p.m., and when a suitable and permanent building shall have been provided, the Library and Reading-room will be open every working day from ten o'clock in the morning till ten o'clock at night, public holidays excepted.

2. Every person entering the Free Library, whether for the purpose of inspection or otherwise, shall immediately write his or her name in a book, to be called the "Visitors' Book," and it shall be the duty of the Librarian to have such book conveniently placed for that purpose, and no person shall be allowed to inspect or use the said Library unless and until he or she shall have complied with this rule.

3. Any person who shall enter such Library or Reading-room in a state of intoxication, shall be at once removed from the premises. Any person who shall use therein any abusive or unbecoming language, or who shall without lawful excuse remove any property from such Library or Reading-room, shall forfeit and pay any sum not less than ten shillings, nor more than ten pounds. Further, any such person may be forthwith removed by the officer of the Council in charge of such Library or Reading-room.

4. No person visiting the Library for the purpose of study or reference to any work, chart, globe, apparatus, model, specimen, or other library property, shall be allowed to help himself or herself, but shall apply to the Librarian or other authorized person to have his or her wants supplied. Any person infringing this By-law will be liable to immediate expulsion from the Library.

5. No conversation or other conduct tending to disturb the order of the Reading-room will be permitted. Any person offending against this rule may be forthwith expelled by the officer in charge.

6. The monthly and quarterly periodicals shall be on the tables of the Reading-room until the arrival of the succeeding numbers. Files of the newspapers for the current month shall also be kept on the tables. Persons attending the Reading-room are expected to return each newspaper after perusal to the file from which it was taken.

7. Any person who shall, whether wilfully or otherwise, damage any book, catalogue, record, chart, apparatus, model, specimen, or other article or thing belonging to or used in the said Library, may be called upon by the Librarian, or any member of the Library Committee, to pay the ascertained amount of damage or the value of the article injured; and in the event of refusal so to pay, shall, at the discretion of the said Committee, be sued for the amount of damage or value aforesaid in a competent Court, or be proceeded against summarily, and in the latter case shall upon conviction forfeit and pay a penalty not exceeding ten pounds, in addition to the ascertained damage to or value of the article.

8. It shall be the duty of the Librarian to report at every meeting of the Library Committee any infraction of the rules, or any injury to the books.

9. The salary of the Librarian shall be fixed by the Council annually, and the appointment and removal of the said officer shall rest wholly with such Council. In matters of routine the Librarian shall be under the control of and be directed by the Library Committee.

10. Any ratepayer may propose books for addition to the Library on entering the titles, price, and other particulars in a book to be kept in the Library for that purpose.

11. Newspapers shall not be detained more than a quarter of an hour, nor periodicals more than half-an-hour, if required by another visitor, he having intimated his wish to the person reading the same.

12. The Library Committee shall consist of four members—the Mayor (*ex officio*), and three Aldermen, one from each of the three wards—to be chosen annually.

13. A copy of these By-laws, and of all regulations which shall be framed thereunder, shall be always exhibited conspicuously in the Library, and copies may, at the discretion of the Council, be printed for such distribution as such Council may direct.

14. In the foregoing By-laws the word "Council" shall be taken to mean the Municipal Council of the Municipal District of Glen Innes, elected under the provisions of the Municipalities Act of 1857, 31 Victoria, No. 12.

PART VIII.

The Park.

Powers as to number and description of stock lessee entitled to depasture.

1. The Council shall from time to time, as often as occasion shall arise, determine and declare the number and description of cattle and other stock any lessee or grantee shall have the right to depasture on the park or public recreation ground, situate within the said Municipality.

Power to grant common of pasture.

2. The Council shall, with the consent of the majority of the Alderman assembled at any meeting specially convened for that purpose, have power to grant to any person or persons or any number of different persons, for any period not exceeding twelve calendar months the common of pasture and right, title, advantage, and privilege of and to common of pasture and feeding of stock, of, into, and upon the said park or public recreation ground, situate in the said Municipality, and all manner of privileges, appendages, and appurtenances whatsoever in any wise thereunto belonging.

Power to detain and impound trespassing stock.

3. The grantee or grantees, Inspector of Nuisances, or other proper officer of the Council, shall have power to detain and impound any cattle or other stock found trespassing upon the said park or public recreation ground, and also to claim and demand and recover such damages (not exceeding ten pounds)

in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private lands in respect of animals found trespassing and doing damage upon the same.

Rights of Grantees.

4. That all and every the person or persons, entitled under such grant or grants for the time being to the use of the said park or public recreation ground, shall have all the same rights and remedies between themselves and against strangers as by the law of this Colony in relation to Commons are possessed and enjoyed by Commoners.

Wilful Trespass.

5. Every person who shall wilfully let in or knowingly suffer to enter upon the said park or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

6. Any person pulling down, destroying, defacing, or injuring any marks marking the limits of the said park or public recreation ground, or any fence or other erection thereon without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for destroying herbage, trees, &c.

7. All persons who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, burn, or otherwise destroy, or damage, the whole or any part of any tree, sapling, shrub, or underwood, or the herbage growing in or upon the said park or public recreation ground, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in the use of park.

8. Any person who shall unlawfully cause any annoyance or inconvenience to any other person in the free use and enjoyment of the said park or public recreation ground, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Persons committing offences in neighbourhood of park.

9. Any person who shall be found committing any breach of any By-law affecting the said park or public recreation ground not expressly provided for in this "Part" of these By-laws, or who shall, by disorderly or insulting conduct in the immediate neighbourhood of such park or public recreation ground, cause annoyance or inconvenience to persons on the said park or public recreation ground, or going to or coming from the same, may be removed by force by any ranger or other proper officer appointed by the Council, which officer shall have the power to call in the aid of the police, and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for trespass.

10. Any person who shall, without the authority of the Council, be found occupying any portion of the said park or public recreation ground, either by residing or by erecting any tent, hut, or building thereon, or by clearing, digging up, enclosing, or cultivating any part thereof, shall be liable on conviction to a penalty not exceeding ten pounds nor less than one pound.

PART IX.

For the regulation of public vehicles.

By-laws for the regulation and licensing of public carriers, carts, water-drawers, and public vehicles, omnibuses, cars, hackney-carriages, cabs, water-carts, drays, carts, or vans, and the drivers and conductors of passenger-carrying vehicles.

All vehicles to be licensed.

1. No vehicle shall ply or be used for hire within the Municipality unless the same be duly licensed in the manner herein described.

Requisition to be made for license.

2. Before any license for plying a vehicle, or to drive or to conduct the same, shall be granted the party requiring such license shall obtain from the Council Clerk free of charge a requisition in the form of Schedule A hereto, or to the like effect, and duly fill up and sign the same, and deliver it to the Council Clerk; and in the case of drivers or conductors, shall also obtain a certificate from two respectable householders to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be.

Conditions under which licenses to be granted.

3. No license shall be granted in respect of any vehicle which, in the opinion of three aldermen, who shall be appointed by a resolution of the Council of the said Municipality, is unsafe, or in bad repair or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle, or on such other place or places, and in such manner as the said three aldermen may direct.

Licenses, and how to be issued.

4. License for proprietors, drivers, and conductors of vehicles shall be in the form contained in the schedule hereunto annexed, marked with the letter B, or the like effect; and any person plying, driving, or conducting any vehicle for hire with passengers without such license shall be deemed guilty of a breach of these By-laws.

Licenses to be under Corporate seal.

5. Every license granted under these By-laws shall be under the common seal of the Council, and signed by the Mayor and countersigned by the Council Clerk, upon production of a certificate signed by the aldermen who shall be appointed as aforesaid, and shall be in force from the date of such license until the 31st day of December next ensuing, subject to the conditions in By-law 10; and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be then specified, and endorsed on the license signed by the Mayor and countersigned as aforesaid.

Age of drivers.

6. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years.

Licenses to be made out by the Council Clerk.

7. All licenses shall be made out by the Council Clerk, and numbered consecutively.

Owner of vehicle.

8. The person in whose name a license shall appear to have been obtained shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

Inspection of vehicles.

9. The three aldermen aforesaid shall, as often as they may deem it necessary, cause an inspection to be made of all or any licensed vehicles, of the harness, horse, or horses, and if any such vehicle, and harness, horse, or horses, shall at any time be found by the said aldermen to be unfit for use, the Mayor may cancel the license of such vehicle on the written report of the said aldermen.

Number of license to be painted on vehicle.

10. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney carriage or cab, in figures not less than two inches in height, of proportionate breadth, white upon a ground of black, shall be painted outside on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the aldermen aforesaid shall direct; and such numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

Table of fares, &c., to be fixed to vehicle.

11. The number of the license of every hackney carriage or cab on a card or plate six inches by three inches, painted or printed in clear legible figures, and the table of fares fixed by the Council shall be affixed at the upper part of the front panel, or in such other place or places inside of such carriage or cab as the three aldermen, aforesaid, may direct; and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

Term applied to vehicles.

12. So far as concerns fares in these By-laws, any vehicle of whatever form or construction, for which a hackney carriage license has been taken out, if drawn upon four wheels, shall be deemed to be a hackney carriage, and if drawn upon two wheels a cab.

Water-carts.

13. The Council shall from time to time license to ply within the Municipality, such carts for the sale and carrying of water as shall upon inspection be found fit for that purpose. Every such cart shall be or shall contain or carry a vessel or tank capable of containing not less than fifty gallons, and shall have the name of the owner, and the words "licensed water-cart" painted on such cart in legible letters.

Water licenses, how obtained, &c.

14. Every such license shall be issued on the application, in writing, of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant, and for every such license there shall be paid to the Council the sum of five shillings; and every such license shall be in force until the thirty-first day of December next ensuing after the granting of the said license.

Hawking water—Penalty

15. Any person hawking or carrying water for sale otherwise than in a licensed water-cart as aforesaid, shall, upon conviction, be liable to a penalty not exceeding one pound.

Name and place of abode to be painted on licensed cart, &c.

16. The name and place of abode, number of license, and the words "licensed cart, dray, or van," as the case may be, are to be painted in letters one inch long, upon the right or off side of such cart, dray, or van.

Number of passengers to be carried.

17. When any carriage is submitted for inspection by the owner or other applicant, with a view to obtain a license, the Alderman appointed by the Council for that duty shall then determine upon the number of passengers the vehicle shall be permitted to carry and give a certificate to that effect, such number to be mentioned in the license.

Legal fare, &c., to be painted on vehicle.

18. The number of passengers the vehicle is licensed to carry and the legal fare, shall be painted or printed in legible characters and affixed in such places as the inspecting Alderman shall direct.

Penalty for breaking By-laws.

19. For every offence against the provisions of these By-laws the offender shall, upon conviction, forfeit and pay a penalty of not more than twenty pounds nor less than ten shillings.

Description of persons not allowed to travel in vehicle.

20. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving, as to occasion any annoyance or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, nor use the same for eating his meals therein.

Fare to be paid upon taken seats—Driver and Conductor to be provided.

21. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded after the commencement of his journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver and licensed conductor.

Property found in vehicles to be delivered at Council Clerk's Office.

22. The driver of any carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or person, shall be delivered to the driver or conductor, who shall deliver the same, with any other property found by him, to the Council Clerk's office, and there shall deposit it; and no owner shall detain any property delivered to him by any driver or conductor in his employment, but shall deposit it at the office at the Council Chamber with the Council Clerk or his assistant.

License Fees to be paid to Council Clerk.

23. For every license issued under the By-laws in force for the time being in that behalf, within the said Municipality, there shall be paid to the Council of the said Municipality, by delivering the same to the Council Clerk or other person authorised to receive the same, the several sums mentioned or set forth in Schedule C to these By-laws, for the general purposes of the said Municipality.

Terms to be applied to licensed vehicles.

24. Whenever the word "vehicle" shall be used in these By-laws, the same shall be construed to extend and apply to any omnibus, car, hackney carriage, or cab. The word "omnibus" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, having seat accommodation for more than ten passengers and a driver. The word "car" shall extend and apply to any vehicle upon two or four wheels drawn by one or more horses, having seat accommodation for not more than ten or less than five passengers and a driver. The word "hackney carriage" shall extend and apply to any vehicle upon four wheels drawn by two or more horses, and having seat accommodation for not more than five passengers and a driver, and in respect of which a hackney carriage license within the said Municipality shall have been obtained. The word "cab" shall extend and apply to any vehicle upon two wheels, having seat accommodation for not more than two passengers and a driver, in respect of which a cab license within the said Municipality shall have been obtained. The word "cart" shall extend and

apply to any cart, dray, van, or waggon, or any other vehicle, drawn by one or more horses or other animals, used wholly and for the carriage of goods and parcels. The word "water-cart" shall extend and apply to any cart used for the carriage of water within the said Municipality in respect of which a water-cart license shall have been obtained.

Fares to be charged.

25. No proprietor or driver of any hackney-carriage, cab, or omnibus within the said Municipality shall demand, receive, or take more than the several fares or sums mentioned or set forth in the Schedule D to these By-laws, or such other sums as the Council of the said Municipality shall from time to time determine or appoint in substitution thereof as hereinafter provided; and every proprietor, driver, or conductor failing to comply with this By-law shall for every such offence forfeit and pay a penalty or sum of not exceeding five pounds nor less than five shillings.

Power of Council to amend scale of fares, &c.

26. The Council of the said Municipality may from time to time, by resolution passed in that behalf, alter and vary, or amend the said Schedule D and the respective sums chargeable thereunder, or any of them, and such alterations, variations, or amendments shall become of full force and effect, so soon as the same shall have been publicly notified by advertisement in the New South Wales Government Gazette and at least one newspaper circulating in the said Municipality, and the Council of the Municipality shall not be responsible for any loss which such alterations and amendments may have or may be alleged to have occasioned to the holders of licenses for the time being or any of them.

Passengers to be taken up, &c.

27. No driver of any hackney-carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Municipality as he, she, or they may reasonably desire, and every person failing to comply with this By-law shall forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings for every such offence.

Driver not to leave his horse or horses.

28. No driver of any licensed vehicle shall be or remain at such a distance from his horse or horses, while attached to his vehicle, anywhere within the said Municipality as not to have immediate and full control over the same; and every person so doing shall, for every such offence, forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

Copies of By-laws to be given with license.

29. Copies of these and of all other By-laws passed by the Council of the said Municipality, for the regulation of licensed vehicles, and still remaining in force, shall be delivered with each license issued, unless the person shall have previously received copies thereof.

Penalty to be enforced for breach of By-laws.

30. All proprietors and drivers of licensed vehicles shall at all times be amenable to and observe and comply with the By-laws for the time being in force for the care and management of the public roads, public streets, and public thoroughfares within the said Municipality, and for every breach thereof shall incur the same penalties as other persons.

31. Any person offending against any of these By-laws shall, except when otherwise expressly provided, forfeit and pay a sum not exceeding two pounds nor less than five shillings for every such offence.

SCHEDULE A.

A requisition for license.

To the Municipal Council of the Municipal District of Glen Innes.

I, _____, residing at _____ street, within the Municipality do hereby request that a license may be granted to me to _____ within the limits of the said Municipality.

Dated this _____ day of _____ A.D. 18 _____

Description of vehicle. _____

SCHEDULE B.

Form of license for driver or conductor.

This is to certify that _____, of _____ street, is hereby licensed to _____ (an omnibus, cart, hackney-carriage, or cab, as the case may be) from the day of _____ to the 31st day of December, 18 _____, inclusive, within the Municipal District of Glen Innes, subject nevertheless to all and every of the By-laws, Rules and Regulations in force relating thereto.

SCHEDULE C.

Table of license fees payable by proprietors, drivers, and conductors of licensed vehicles.

Proprietors of	On and after 31st Jan.	On and after 1st July.
Omnibuses and coaches.....	£1 10 0	£0 15 0
Cars and Carriages.....	1 10 0	0 15 0
Cabs.....	1 10 0	0 15 0
Drays, Carts, &c.....	1 0 0	0 10 0
Water-carts.....	0 5 0	0 5 0
For every driver's license for a vehicle to carry passengers.....		0 5 0
For every conductor's license for a vehicle to carry passengers.....		0 5 0

SCHEDULE D.

Table of maximum fares chargeable by drivers or proprietors of licensed hackney-carriages, cabs, and omnibuses within the Municipal District of Glen Innes.

For every passenger, to any place within one mile of the Railway Station, the sum of one shilling.

Beyond that distance a sum not exceeding one shilling per mile per passenger.

PART X.

Hawkers.

Hawkers to be licensed.

1. No person, residing beyond the Municipal boundary, shall sell, offer, or expose for sale in any part of the Municipal District of Glen Innes except in the house or premises of the person so selling, offering or exposing for sale, any poultry, fish, vegetables, garden produce, game, tripe, bacon, cheese, eggs, fruit, pastry, ice cream, green fodder, or any other farm produce, without a license authorizing him or her to do so signed by the Mayor, or other duly appointed officer of the said Municipality, and every such license shall be numbered and registered and shall be in the form contained in the Schedule hereto, and shall be in force for the term therein stated.

Hawkers to carry license.

2. Every person licensed as a hawker shall, whilst engaged in his hawking carry the license so granted with him, and upon being required by any officer of the Municipal Council or police officer produce and show the same.

Name to be painted on vehicle.

3. Every licensed hawker shall whilst hawking have affixed on some conspicuous part of his cart, barrow, basket, vehicle, or dray, a board or plate bearing his name and the words "Licensed Hawker," legibly painted thereon in letters not less than one inch in length.

License fees.

4. The following fees shall be paid for such licenses:—
For hawking—with a hand basket, the sum of ten shillings per quarter; with vehicle drawn by horses or other animals, the sum of twenty shillings per quarter.

5. All licenses shall be in force three months from the date of issue thereof.

6. Any person offending against any of these By-laws shall for each offence upon conviction forfeit and pay any sum not exceeding ten pounds nor less than ten shillings.

SCHEDULE.

Form of hawker's license.

Municipal District of Glen Innes.

Hawker's License, No. _____

Name _____

Address _____

This license entitles the holder to hawk with handbasket, (or vehicle drawn by horses, &c., as the case may be) for the quarter ending the _____ day of _____, 18 _____, inclusive.

Given under my hand this _____ day of _____, 18 _____

Mayor (or &c.) _____

The following By-laws were made and passed at a meeting of the Municipal Council of Glen Innes, held this twenty-seventh day of January, 1867.

(L.S.) J. MOSES,

Mayor.

A. A. VENESS,
Council Clerk.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF GOULBURN—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 24th October, 1887.

BOROUGH OF GOULBURN—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Goulburn, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BY-LAWS for regulating the proceedings of the Council, the duties of the officers and servants and contractors with the said Council, the Municipal Cattle Sale-yards, the Municipal Fire Brigade, the prevention of nuisances under the "Nuisances Prevention Act, 1875," and generally maintaining the good rule and government of the Municipality under the "Municipalities Act of 1867."

SECTION I.

Meetings of Council.

1. The Council shall meet at the Council Chambers the second and fourth Thursday in every month, at the hour of 7.30 p.m.; but if such day be a public holiday, then on such day and hour as the Mayor may determine.

Chairman in Mayor's absence.

2. If the Mayor shall be absent at the expiration of ten minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a Chairman. Provided always that if the Mayor shall attend, such Alderman shall leave the chair to be taken by the Mayor.

No quorum.

3. Whenever any meeting shall lapse or be adjourned for want of a quorum the names of the members present shall be recorded by the Town Clerk, and such record shall be read at the next meeting of the Council.

Order of Business.

4. The business of each ordinary meeting shall be transacted in the following manner, viz. :—

1. Reading and confirming of minutes of last meeting.
2. Reading correspondence, and reception of reports and petitions.
3. Questions.
4. Adjourned motions, and motions of which notice has been given.
5. Orders of the day, which shall comprise all business set down for the day by order of any previous meeting, or necessarily arising out of the proceedings of a former meeting.
6. Tenders.

Provided that the Council may, by resolution, take any particular matter out of the regular order on the paper.

Power to suspend By-law.

5. The Council shall have power to suspend *pro tem.*, one or more of the by-laws: Provided that no such suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present consent.

Postponement of debate or motion.

6. Any debate or order of the day when called on may be postponed to another time to be duly specified: Provided that no discussion shall be allowed upon such motion for postponement, and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate on resumption.

Motions to be in writing and seconded.

7. All resolutions shall be in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motion not to be withdrawn.

8. No motion of which notice has been given shall be withdrawn if any Alderman object; and if any Alderman who has given notice of motion fail, or decline to move it, the Mayor or any other Alderman may move the same.

Questions—Twenty-four hours' notice to be given

9. No question shall be put to the Mayor, unless twenty-four hours' notice in writing shall have been given thereof to the Town Clerk.

Amendments—Order of.

10. When any motion of Council shall have been made and seconded, any Alderman may move an amendment thereon; and if an amendment be carried, the question, as amended thereby, becomes itself the question before the Council, whereupon any further amendment upon such question may be moved. If any amendment shall be negatived, then a further amendment may be moved to the question which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

11. Any motion for adjournment shall be put immediately without discussion. If such motion be negatived, the business then under consideration, or the next in order on the business paper, shall be discussed before any notice for adjournment may be moved.

Aldermen may call for division.

12. Any Alderman may call for a division. In such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands; and the names and votes of the Aldermen present shall be recorded; and any Alderman present, when a division is called for, who shall not vote (not being disabled by law from so doing), shall be liable, for every such offence, to a penalty not less than ten shillings nor more than forty shillings.

Motions which would rescind motions previously passed.

13. No motion, the effect of which, if carried, would be to rescind any resolution passed by the Council during the current municipal year, shall be entertained, unless at a special meeting of the Council called for that purpose; and no such motion, if negatived by the Council at such special meeting, shall be again entertained during the same municipal year.

Aldermen not to speak twice, nor longer than ten minutes, on any motion or amendment.

14. No Alderman shall speak twice on any motion or amendment, except in Committee, or in explanation where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply: Provided that no Alderman shall speak upon any motion or amendment for a longer period than ten minutes, without the consent of the Council.

Aldermen to stand and address the Chair.

15. Every Alderman shall stand when speaking, and shall address the Chair.

Offensive personal reflections not to be permitted.

16. No Alderman shall make offensive personal reflections upon, or impute discreditable motives to, any other Alderman. Any Alderman so offending shall, immediately upon being thereto required by the Mayor or presiding Alderman, withdraw the offensive expressions, and retract any such imputation of motive, and make an apology satisfactory to the Council. Any Alderman declining so to apologise and to withdraw the offensive expressions, or to retract the imputation of motive, shall be liable, on conviction, to a fine or penalty of not less than one pound nor more than five pounds for every such first offence, and on a second conviction for a like offence he shall be liable to a fine or penalty of not less than two pounds nor more than ten pounds.

Committees.

17. The Rules of the Council shall be observed in Committee of the Whole, except the rule as to standing, and that limiting the number of times of speaking.

Points of Order.

18. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order; and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive.

Speaking.

19. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Petitions to be examined before being presented.

20. Any Alderman presenting a petition shall satisfy himself that the wording thereof is unexceptionable. All petitions shall be received only as the petitions of the persons signing the same, and no debate shall take place upon the presentation of a petition until notice has been given in the usual manner.

Committees.

21. There shall be five Standing Committees—the Finance, Improvement, By-law, Water, and Lighting Committees; and each such Committee shall consist of at least three Aldermen—one from each ward—two to form a quorum, and shall be called together by direction of the Chairman of such Committee.

Committee Meetings.

22. The Improvement Committee shall meet at least once in every month, the hour to be determined by such Committee.

Reports to lie on table twenty-four hours.

23. All reports of Standing Committees shall lie on the table, for inspection of Aldermen, at least twenty-four hours prior to the meeting at which such reports shall be received.

Probable cost of work to be ascertained before expenditure.

24. No work affecting the funds of the Borough shall be determined upon until the probable expense shall have been first ascertained by the Council, on the report of some officer nominated for the purpose, or the report of the Improvement Committee.

Works to be let by tender.

25. Works undertaken by the Council, and estimated to cost over (£20) twenty pounds, shall be let by tender; and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties as sureties, for due performance of the contract. All tenders shall be accompanied by a cash deposit of ten per cent. of the amount of tender.

Members of Council or its officers not to be surety.

26. It shall not be competent for the Council, when surety is required for officers, servants, or contractors, to accept as such surety any of its members, or any person holding office under the Council.

Urgent works may be ordered to be done.

27. The Mayor and two Aldermen, or, in the absence of the Mayor from the Municipality, any three Aldermen may, in writing, order any sum not exceeding twenty pounds to be expended in repairing any public work under the control of the Council which may be suddenly damaged, and such order shall be reported at the next meeting of the Council.

Vacancies—Appointments to be advertised.

28. No appointment to any office shall be made until public notice be given inviting applications for the same, and stating the salary affixed to such office; and every appointment may be by ballot or show of hands; and all officers shall give bonds for the faithful discharge of their duties, in such sums as the Council may determine.

Cash Balance.

29. The Treasurer shall produce the cash-book and bank pass-book, balanced, at the regular meetings of the Council.

Payments to be certified.

30. No money shall be paid by the Council until the account for the same shall have been examined and reported upon by the Finance Committee, except in case of men employed weekly and cases of emergency.

Common Seal and sealing of documents.

31. The Mayor shall have custody of the Common Seal, and shall affix it to all documents creating obligation on the Corporation, in the presence of the Town Clerk; but, for the purpose of authenticating documents, the Mayor may alone fix the Seal, and charge a fee for so doing of (£1) one pound, such fee or fees to form Relief Fund, to be administered by the Mayor.

32. All charters, deeds, muniments, and records of the Municipality shall be kept in the offices thereof in the custody of the Town Clerk, unless the Council shall otherwise order.

Rates to be collected half-yearly.

33. The rates of the Borough shall be collected half-yearly, and shall be due and payable on such days as the Council shall determine.

Rates to be paid to the Town Clerk.

34. All persons liable to pay rates or assessments, shall pay the same to the Town Clerk, at the Municipal Council Chambers, during office hours, or in such other manner as the Council may from time to time direct.

Bailliff.

35. The Bailliff shall be appointed by the Council or the Mayor, and shall find two sureties to the extent of ten pounds each for the faithful performance of his duties.

36. The Bailliff shall make all levies and distress under warrant, in the form of the Schedule hereunto annexed and marked with the letter A, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

37. The Bailliff shall be paid for every entry and levy made under these By-laws, according to the Schedule hereunto annexed and marked with the letter B.

38. The Bailliff, and such assistants as he may take with him, shall enter into any part of the land, building, or tenement in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property, in charge thereof; and if the sum for which such distress shall have been made or taken shall not be paid on or before the expiration of two days, it shall be lawful for the Bailliff to sell the goods so distrained, or a sufficient portion thereof, and, if the party distrained upon shall so require, by public auction, either on the premises or at such other place within the Borough as the Bailliff may think proper to remove thereto, such party consenting in

writing to pay the charges of the auctioneer, if sold; and the surplus, if any remain after deducting the amount distrained for, together with the expenses attendant upon such distress and sale, shall be paid over to the owner of the goods so sold: Provided that nothing herein contained shall apply to the sale of any produce whatever which may be growing upon the land at the time of making the distress: Provided always, that no distress shall be made on the goods of any casual visitor, or on the goods of any lodger in any house or apartment ordinarily let or used as a lodging-house or apartment.

39. At the time of making a distress, the Bailiff shall make out a written inventory in the form of the Schedule hereto annexed and marked with the letter C, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person for his or her behalf, resident at the place where the distress has been made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress has been made.

40. The Bailiff, in making a distress as aforesaid, may impound or otherwise secure the distress so made of what nature or kind soever it may be, in such place or part of the land or premises chargeable with the rate as shall be most fit or convenient for this purpose; and it shall be lawful for any person whatsoever, after the expiration of the two days hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where any distress shall be impounded, in order to view or buy, and in order to carry off and remove the same on account of the purchaser thereof.

41. The owner of any goods so distrained upon may, at his or her option, direct and specify the order in which they shall be offered for sale; and the said goods and chattels shall in such case be sold according to such direction.

42. The Bailiff shall hand over to the Council Clerk or the Treasurer all proceeds of such distress, immediately after having received the same, with the particulars of the goods distrained, and of the sale thereof.

43. The Bailiff, with the sanction of the Mayor of the Borough, may authorize any person to act temporarily as his deputy; and the person thus authorized shall have and exercise, for the time being, all the powers of the Bailiff, himself; but the Bailiff and his sureties shall, in every case, be held responsible for the acts of his deputy.

Fires.

44. No person shall make, or permit to be made, any fires in the open air, except in properly constructed fire-places or furnaces, without permission of the Mayor in writing, under a penalty not exceeding five pounds

Stacking hay or straw.

45. No person shall stack any hay or straw, otherwise than in an enclosed building, nearer than two hundred feet to any building or public way, under a penalty not exceeding (£10) ten pounds.

Live coals or hot ashes.

46. Any person throwing hot ashes or live coals adjacent to any buildings or fences shall be liable to a penalty not exceeding twenty pounds and not less than one pound.

Setting fire to chimneys.

47. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common chimney, shall forfeit a sum not exceeding five pounds.

Chimney on fire.

48. If any chimney actually catch or be on fire through neglect or carelessness, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings.

Water-carts to be kept full.

49. Every owner of a cart or carts supplying water to the citizens for payment, shall in each year take out a license for each cart, at the office of the Town Clerk, such license to be signed by the Mayor, and to be in force until the 31st December in each year. A register to be kept by the Town Clerk of all licenses issued, and a fee of twenty shillings per annum for each registration to be paid upon application.

50. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises, or property be on fire within the Borough, attend at the place of such fire with such cart loaded with water; and, failing to comply with the provisions of this section, shall forfeit a sum not less than twenty shillings and not exceeding ten pounds.

Vehicles to be licensed.

51. The following shall be the regulations for public vehicles:—

- (1.) All carriers and owners of vehicles plying or carrying passengers or goods for hire or reward within the said Municipality shall have their vehicles licensed by the Council, and the owners shall have their names painted in legible letters with the word "licensed" on some conspicuous part of such vehicles respectively. The license fee shall be at the rate of ten shillings per wheel, and be in force until the 31st December in each year. And every person driving any unlicensed vehicle with passengers, goods, or loading of any description for hire or reward, or who shall omit or fail to comply with the provisions of this By-law, shall forfeit a sum not exceeding forty shillings.
- (2.) No person shall act as the driver or the conductor of any such vehicle, within the Borough of Goulburn, unless licensed in the manner hereinafter described, and paying the fee for such license as provided for in Schedule D.
- (3.) Before any license for plying a vehicle, or to drive or conduct the same, shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, requisition in form of Schedule I hereto, or to the like effect, and shall duly fill up and sign the same, and deliver it to the Council Clerk.
- (4.) No license shall be granted in respect of any vehicle which, in the opinion of the Mayor and By-law Committee, shall be unsafe, or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers.
- (5.) Licenses for proprietors and drivers of vehicles shall be in form of Schedule H hereto, or to the like effect.
- (6.) When a licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be hereby specified by endorsement on the license under the hand of the Council Clerk.
- (7.) No license shall be granted to any person to drive any vehicle unless he be sixteen years of age or over.
- (8.) All licenses shall be made out by the Council Clerk, and numbered consecutively.
- (9.) No proprietor shall be at liberty to part with or lend his license, nor to part with his licensed vehicle, to any person without the knowledge and approval of the Mayor and By-law Committee, and the registry of the name of the purchaser in the books of the Council.
- (10.) The person or persons in whose name or names a license shall appear to have been obtained shall be deemed the owner of the vehicle in respect of which the same shall have been taken out.
- (11.) The Mayor and By-law Committee may revoke any license to the proprietor or driver of any vehicle granted under this part of these By-laws whenever they shall think fit. Provided, however, such proprietor or driver shall have an opportunity to show cause against such revocation.
- (12.) The Mayor and By-law Committee shall, as often as they may deem it necessary, cause an inspection to be made of all licensed vehicles or of any such vehicles, and of the harness and horse or horses used in drawing the same; and if any such vehicle, horse or horses, or harness, shall at any time be found by them unfit for public use, notice of the same shall be given by the Inspector of Vehicles, to the proprietor of such vehicle; and if after such notice he shall use or let to hire such vehicle, or suffer the same to be used or let, until the same or the harness or horse or horses used in drawing the same, as the case may require, shall be in a fit condition for public use, the said Committee may suspend, for such time as they may deem proper, the license of such vehicle; and in case any person shall neglect or refuse to attend with his licensed vehicle before the said Committee, when called upon for the purpose of having the same inspected, the said Committee may suspend the license of such vehicle.
- (13.) The number of the license granted for every omnibus or car, in figures not less than three inches in height, and for every carriage or cab in figures not less than two inches in height, white upon a black ground, shall be painted outside on the panel of the door of such vehicles, or on a plate or plates affixed thereon.
- (14.) No omnibus shall ply for hire within the said Borough, unless there shall be painted the number of the license of such vehicle, and the number of persons such vehicle is licensed to carry according to these By-laws in words at length, in the following form, that is to say—Licensed to carry _____ inside, and _____ outside.

- (15.) Any person having taken his or her seat in any licensed vehicle, and not paying the fare when demanded at the beginning of the ride, shall, on conviction, forfeit and pay to the owner or driver of such omnibus or car, such amount of over damages, cost, and expenses for loss of time or otherwise, as the convicting Justices shall in their discretion think proper.
- (16.) Every driver, whilst engaged in taking up or setting down any passenger, shall, during such taking up or setting down, place his vehicle as near as conveniently may be to that side of the street, and at a line with the kerb-stone or edge of the footpath, at which the taking up or setting down is required.
- (17.) The driver of every licensed vehicle shall be constantly attendant upon the same when standing, or whilst plying or engaged for hire.
- (18.) Every licensed vehicle plying or engaged after sunset, shall be provided with a light on each side, and shall keep the same lighted until sunrise, if so long plying or engaged.
- (19.) The owner of every licensed vehicle at the time of obtaining the license for the same, and every driver of any such vehicle at the time of registering his license, shall, without any charge, have a printed copy of this part of these By-laws delivered to him, certified by the signature of the Council Clerk.
- (20.) Such person or persons as may from time to time be in that behalf appointed by the Council, shall be Inspector or Inspectors, during the pleasure of the said Council, of all licensed vehicles plying for hire within the Borough; and such Inspector or Inspectors shall every three months examine all such vehicles, and report to the Mayor and By-law Committee, and shall at all times see that, as far as possible, these By-laws are duly observed.
- (21.) No person suffering from any infectious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry or permit to be carried any such person, or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry on any licensed passenger-carrying vehicle any animal or any substance of any offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.
- (22.) All hackney carriages and cabs carrying passengers shall (except when turning street-corners, or going over crossings) proceed at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer.
- (23.) The driver of any licensed vehicle shall not stand or loiter at any place in any public street within the said Borough excepting he be *bona fide* waiting for a passenger.
- (24.) The places specified in schedule G hereto annexed are hereby respectively appointed public stands for licensed vehicles. The Council may, by resolution, from time to time as they may see fit, alter the position of such stands or increase their number.
- (25.) The fares payable by persons hiring licensed vehicles shall be those provided for in Schedule E hereto annexed.
- (26.) The fees payable by persons hiring van or dray shall be those provided for in Schedule F hereto annexed.
- (27.) Copies of Schedule E shall be placed in each licensed vehicle by the proprietors thereof, in such a position as to be easily seen by passengers.
- (28.) For every offence against the provisions of this part of these By-laws to which no specific penalty has been attached herein, the offender shall pay a penalty not exceeding ten pounds nor less than five shillings.
- (29.) Whenever the word "vehicle" shall be used in this part of these By-laws, the same shall be understood to apply to either an omnibus, car, hackney-carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels drawn by one or more horses; and a car is a vehicle upon two wheels drawn by one horse, and for which omnibus licenses have been taken out; and a hackney-carriage shall mean a vehicle upon four wheels, drawn by two or more horses; and a cab, a vehicle upon two wheels for which hackney carriage licenses have been taken out.

Vehicles to carry lights after dark.

52. Every carriage, cart, dray, buggy, or other wheeled vehicle usually drawn by horses, which shall be in or upon any street, thoroughfare, or public place within the said Borough earlier in the day time than one hour before sunrise or later in the night time than one hour after sunset, shall have attached to it one or more sufficient lights which shall be kept burning conspicuously in order to prevent collisions and accidents.

Weigh-bridge.

53. Any lessee, or other person for the time being having charge of the weighbridge, who shall wilfully give an incorrect weight, shall be deemed an offender, and liable to conviction under these By-laws.

Signboards and other obstructions.

54. It shall not be lawful for any signboard or other obstruction of any kind to be erected across the footpaths, except with the consent of the Council, under a penalty not exceeding five pounds and not less than one pound.

Weeds.

55. Any person appointed by the Council may enter upon any lands within the said Municipality, and for that purpose may break open gates, or take down or remove fences, to extirpate the weed known as Bathurst burr, Scotch thistle, sweet-briar, or other noisome weeds: Provided always that if any gates be broken or fences removed, the same shall immediately after the work then required to be done be restored to their former condition as nearly as may be, and the expense of extirpating such weeds, and restoring such fences may be recovered as an ordinary debt from the owner or occupier of such lands. Any person hindering or obstructing any person so appointed as aforesaid shall for every such offence be liable to a penalty of forty shillings. All owners or occupiers of property within this Municipality shall remove and burn all kinds of thistles, Bathurst burr, sweet-briar, or other noisome weeds, upon lands owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this By-law after seven days' notice from any officer of the Municipality requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than twenty shillings, and not exceeding five pounds.

Sweeping rubbish.

56. Any person sweeping or throwing refuse of any kind into the gutter, pathways, or roadways in the City, shall be liable to a fine not exceeding two pounds.

Public exhibitions, &c., to be licensed.

57. No exhibition, otherwise than hereinafter provided for, shall be held or kept for hire or profit within the said Borough, nor shall any bowling-alley, or other place of public amusement other than licensed as hereinafter provided, be held or kept within the Borough, unless and until the same shall be duly registered as hereinafter prescribed.

58. It shall and may be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition other than those required to be licensed as hereinafter provided, and which shall not be held or kept for more than one week; and in like manner, to allow any land belonging to the Council to be used for public amusement other than entertainments required to be licensed as hereinafter provided, for one week: Provided always that no such permission shall be given to the injury of any property of the Council, and that it shall be incumbent on such Mayor to inquire strictly into the nature of such exhibitions seeking the permission aforesaid before granting the same; and, in case of any exhibition or amusement being held to be opposed to public decency or endangering the peace of the public, the Mayor shall have power to peremptorily order the nuisance to be abated, under a penalty of forty shillings for every day such exhibition shall be so held; and it shall be lawful for the Mayor to levy a tax of not more than one pound per diem upon any temporary exhibition or amusement which, in his opinion, should contribute to the Municipal revenue.

59. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier; and every person who causes, and every occupier of any such building or land, who permits any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week in or on any such building or land not being registered for the purpose, or without such certificate of registration, as hereinafter mentioned, having been obtained for the same, shall forfeit for every such offence not less than one pound, nor more than twenty pounds.

Registration fee.

60. For every such registration as aforesaid, the occupier of the building or land so registered shall pay to the Town Clerk, for the benefit of the said Borough, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the 31st day of December then next ensuing, and no longer.

Change of occupancy.—Transfer fee.

61. The person in whose name the building or ground as aforesaid shall be registered, or the person to whom the Mayor shall grant a temporary license, shall be deemed the occupier of such building or land for all purposes of these By-laws; and any change of occupancy shall be forthwith notified to the Town Clerk, and the Council may sanction the transfer of the license to the new occupier, and shall charge for such transfer the fee of five shillings.

Municipal Fire Brigade.

62. The Council may, if they think fit, lease the Fire Brigade buildings to the Fire Brigade Board. The rent to be paid upon such lease shall be 6 per cent. on the value of the building.

Municipal Cattle Sale-yards.

63. The said cattle sale-yards of the Borough shall be open for the receipt and delivery of cattle and other live stock on every lawful day from sunrise to sunset.

64. There shall be appointed for such cattle sale-yards an officer to be called the Inspector thereof, whose duties shall be as follows:—

- (1.) To see that the By-laws or regulations be duly observed.
- (2.) To demand and receive all fees and charges due under the said By-laws or regulations.
- (3.) To allot the yards for the use of the parties bringing cattle thereto for sale in such manner as in each particular case may seem to such Inspector most convenient.
- (4.) To preserve order and cleanliness within the said cattle sale-yards and the precincts thereof, and to summarily eject therefrom any person creating a riot, or disturbance, or cursing or swearing, or using any gross or indecent language, or being guilty of any gross, cruel, or indecent conduct therein.

65. No person or persons shall obstruct the Inspector or his assistants in the performance of his or their duty, or shall release any cattle from the said sale-yards before the fees and charges have been duly paid (the proof of which payment shall rest with the party charged with a breach of this regulation), nor shall remove the same from the said yards, or from one part of them to another, without the authority of the Inspector; and any person committing a breach of this By-law in any respect shall be liable to a penalty not exceeding five pounds.

66. The owner or any person in charge of any cattle which shall break or injure the said yards, or any part thereof, or any erection connected therewith, shall forthwith repair and make good such damage or injury, or in default of his so doing shall be liable to forfeit and pay a penalty not exceeding twice the cost of repairing and making good such damage or injury.

67. Any person or persons who may be found drunk or disorderly within the said sale-yards or the precincts thereof, or cursing or swearing, or using gross, profane, or abusive language therein, or who shall cruelly beat or illtreat any animal therein, shall forfeit and pay for every such offence any sum not less than one pound or more than five pounds.

68. The party or parties placing cattle in the said cattle sale-yards, or any other sale-yard within the said Borough, for sale, and also the auctioneer or agent to whom the same shall be brought for such sale, and the person or persons bringing any cattle to any premises in the said Borough for slaughter, and also the occupier of such premises, shall be liable for the payment of all fees and charges accruing thereon.

69. Any person or persons who may place cattle in the cattle sale-yards of the Borough for sale, and shall neglect for twenty-four hours to supply such cattle with sufficient food and water, shall, for every such offence, forfeit and pay any sum not exceeding five pounds; and in case of such neglect for such space of twenty-four hours at any time, the Inspector shall cause, such cattle to be supplied with sufficient food and water, and the person so neglecting as above shall be liable to repay the cost of the same, including a reasonable charge for labour and attendance.

70. The following fees and charges shall be paid and taken for all cattle brought to the cattle sale-yards, or yarded in or brought to any other sale-yards or premises within the Borough of Goulburn for sale, and also for all cattle brought to any premises within the said Borough for the purpose of being slaughtered, that is to say:—For every horse, mare, gelding, foal, ass, or mule, the sum of one shilling; for every bull, cow, ox, heifer, steer, or calf, the sum of fourpence; and for every sheep, lamb, pig, or goat, at the rate of three shillings and sixpence per hundred.

71. The said fees and charges shall be payable by the several persons hereinbefore rendered liable to pay the same so soon as the cattle, in respect of which they are chargeable, shall be brought to the said cattle sale-yards of the Borough, or yarded or brought to any other sale-yard or premises in the said Borough for sale or for slaughter, and the same shall be paid accordingly into the hands of the Inspector of the said cattle sale-yards, or his assistants: Provided that such Inspector may, with the consent of the Mayor for the time being, arrange with the owner or occupier of any sale-yards other

than those of the Borough, or of any premises for the slaughter of cattle, or with any auctioneer conducting sales in the Borough sale-yards, for making weekly returns or statements of all cattle brought to their yards or premises respectively for sale or slaughter, or of all cattle sold by such auctioneer since the time up to which the next preceding return shall have been made, and for payment upon such weekly return. And if any person shall fail to make payment as herein first above provided, or shall, after arranging as aforesaid, make any false or incorrect return or statement therein, or shall omit from the same any of the required particulars of cattle, or shall fail to make faithful weekly payments in accordance with such arrangement, he shall be liable to a penalty not exceeding ten pounds, nor less than one pound for any such offence.

72. If any person so liable as aforesaid to pay any fees or charges under these By-laws shall refuse or neglect to make payment thereof as hereinbefore provided, the same shall, without prejudice to any other remedy, be recoverable with costs in the same manner as a penalty is recoverable under the "Municipalities Act of 1867."

73. The said Inspector or the Council shall, upon demand (and if he or they shall so require, in writing), refund the fees and charges paid in respect of cattle intended for sale but not afterwards sold within the said municipality; and if any person shall obtain any such refund by wilfully making any false or incorrect statement, he shall (without reference to any other liability) forfeit and pay a penalty not exceeding five pounds.

74. Any person who shall neglect to comply with these By-laws, or be guilty of any breach thereof, shall, in cases where no special penalty is provided, be liable to a penalty not exceeding two pounds.

75. In construing these and any future By-laws or Regulations made under the said Cattle Sale-yards Act, the word "cattle" shall have the same meaning as expressed in "The Goulburn Cattle Sale-yards Act of 1875."

Prevention of nuisances.

76. Every person about to erect a closet shall, before commencing any such work, give to the Town Clerk seven days' notice, in writing, of his intention, and of the proposed position of such closet; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds or less than ten shillings.

77. No closet shall be erected except in such position as shall be approved of by the Council, or by the Inspector of Nuisances or other officer appointed by the Council.

78. Every closet shall be built with walls 7 ft. high, and shall not be less than 3 ft. 6 in. wide and 4 ft. 6 in. long, and shall be provided with a door capable of being fastened from the inside, and shall have ventilating holes four and a half inches wide.

79. When two or more closets adjoin each other, there shall be a brick or stone dividing wall of not less than four and a half inches in thickness between every two closets, and each wall shall extend from the floor of the closet to the roof, so as to effect a complete separation.

80. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds or less than one pound.

81. In schools, or in factories or other places of business, where a number of persons exceeding twelve shall reside or be occupied or employed, one pan shall be provided for every twelve persons, with a capacity of not less than 1 cubic foot, or more than 2 cubic feet; and separate closets shall be provided for each sex.

82. If any alterations shall be requisite in the opinion of the Inspector of Nuisances, or any other officer appointed by the Council in that behalf, for preserving public health or decency, in the case of any existing closet, the owner or occupier of such premises shall receive seven days notice to remove or alter the same; and if he fail to do so, and the Council shall adjudge such closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances, or other officer, and the cost of such alteration shall be paid for by the owner or occupier of the premises whereon the same shall be.

83. The place of deposit for night soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality, except as allowed by By-laws 89 and 90.

84. Until otherwise provided by the Council, all night-soil shall be removed from closets by the servants of, or contractors with, the Council, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

85. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

86. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and, on being removed from the vehicles in which it is carried, it shall be deodorized by chemicals, or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

87. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisance Prevention Act 1875," on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the evening.

88. All night-soil shall be removed once a week or oftener and buried in the earth.

89. Every person shall be at liberty to use all night-soil collected on his premises in any garden attached thereto; but if any nuisance shall arise therefrom he shall be liable to a penalty not exceeding five pounds nor less than one pound.

90. No person shall be at liberty, without the permission of the Council, or of the Inspector of Nuisances, or other officer appointed in that behalf, to use on his premises any night-soil brought from elsewhere.

91. After the expiration of three months from the date of passing these by-laws, no person or persons shall be permitted to have on their premises any open closet, or cesspit for the deposit of fecal matter; and any person or persons allowing any such closet or cesspit to remain after receiving twenty-eight days' notice to remove the same, shall forfeit a sum not exceeding five pounds nor less than one pound, and after such conviction, if not removed within a further period of fourteen days, shall, upon conviction, forfeit a further sum of not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

92. All closets shall be supplied with one or more iron pans with two side handles, or one over-handle, and shall not be more than fourteen inches in depth, and not more than fourteen inches in diameter, and shall be kept in good order to the satisfaction of the Inspector of Nuisances. Breach of this By-law to carry a penalty not less than ten shillings and not more than forty shillings.

93. No person shall be permitted to cover up or cause to be covered up any existing cesspit with earth or any other material prior to giving notice to the Inspector of Nuisances, until the same shall have been properly emptied by the Council's contractor. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

94. The owner or occupier of any house, building, passage, yard, or premises within the Municipality shall cause the yard and ground adjoining or belonging thereto to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

95. Any person allowing night-soil from any closet to fall into any street, right-of-way, water-channel, gutter, creek, river, or reservoir, or in any other public place, shall forfeit and pay a sum not exceeding twenty pounds nor less than two pounds.

96. If at any time the cesspit in any premises shall overflow or cease to be water-tight, the owner or occupier shall, within twenty-four hours, give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

97. The Council may recover, and the owner or occupier of the premises shall pay, such sums for the emptying of cesspits, earth-pans, or boxes, as may be decided upon from time to time by resolution of the Council.

98. The owner or occupier of any premises within the Municipality, or any other person who shall have or erect upon his premises any closet otherwise than in accordance with these By-laws, or who shall refuse or neglect to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

99. The Inspector of Nuisances, so far as relates to these By-laws, and in all other cases the said Inspector of Nuisances or any other officer duly appointed by the Council, shall be the person to see the foregoing By-laws carried into effect, and to institute and prosecute all legal proceedings thereunder.

100. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act 1875," shall have the like meaning assigned to them as are provided in the 4th section of the same Act.

Sewerage and Draining.

No private sewers to be made to communicate with the public sewer without notice.

101. It shall not be lawful for any person, without permission from the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such permission, or otherwise than as aforesaid, every person so offending, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than forty shillings, and shall, at his own expense, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work; and any

person who shall do or perform anything contrary to this clause or shall neglect to make good all such damage as aforesaid, shall, on conviction thereof, forfeit and pay any sum not exceeding fifty pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and cleanse same.

102. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed by the occupiers or owners of the houses, buildings, land, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse or cause any such private drain or sewer to be repaired and cleansed according to the direction of the said Council, he shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings.

Water from roofs, &c.

103. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain-water to fall down from any roof, spout, balcony, or other projection, upon or over any street, road, lane, or footway, or shall cause or permit any such roof or rain water to be discharged by any pipe upon any such street, road, lane, or footway, shall, if such nuisance be not abated within seven days after written notice to abate the same shall have been given by the Council or its officer, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound: Provided that any tenant of such premises who shall erect any spouting or pipe in accordance with any such notice may deduct the cost thereof from the rent of the said premises.

Drains in footpaths and slopes, &c.

104. No surface drain shall be made in any footpath, nor any pipes laid under or across the same without the authority of the Council; and no such drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall offend against this By-law, or any owner, occupier, or tenant from whose premises such offensive matter, slops, or filth shall flow over or on any footway, watercourse, street, or lane, shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Natural water-courses.

105. Any person who shall close or intercept, or keep closed or intercepted, any natural water-course, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved of by the Council; and any person closing or intercepting any such watercourse, and failing to comply with the provisions of this By-law, shall forfeit and pay a sum not exceeding ten pounds nor less than two pounds; and each day that such water-course shall be closed or intercepted shall be a new offence.

Noisome and offensive trades.

106. No person shall carry on any noisome or offensive trade within the said Borough, so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "noisome and offensive trades."

107. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Borough, shall be considered "a noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquire and Report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

108. Upon complaint, in writing, by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council; and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to con-

duct, follow, or carry on his, her, or their manufacture, trade, calling or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive, within the meaning of these By-laws, either to the said complainant, or to any other resident within the said Borough; and if such trade shall not be discontinued, or shall not be so conducted as that it shall wholly cease to be noisome and offensive, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence, a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence, a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome or offensive trade" is about to be commenced—Penalty.

109. The like proceedings shall be taken whenever there shall be a complaint, as aforesaid, that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws; and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, and the Council shall take such measures as shall effectually and permanently prevent the same from becoming "noisome or offensive" within the meaning of these By-laws to any resident within the Borough. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Service of notice—Liabilities.

110. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or lands shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

Public Health.

Houses to be purified on certificate of two medical practitioners.

111. If, upon the certificate of any duly qualified medical practitioner, it appears to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the said Borough, is in such filthy or unwholesome condition that the health of any person is or may be liable to be effected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice, in writing, to the owner or occupier of such house or part thereof or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom the notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings nor more than ten pounds: Provided that each day during which such house shall, after such notice as aforesaid, remain uncleansed or unfumigated, shall be a separate offence. Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

112. If any person shall sell, let, or cause to be sold or let, any dwelling house or part thereof, or premises occupied in connection therewith, in the said Borough, which then is, or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Borough, any article of furniture, bedding, household, or personal effects, knowing the same to have been, within three months prior to the date of such sale or letting, used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

113. Any person who shall expose, or cause to be exposed, in any road, street, or public place, or unenclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

114. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Borough without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Cleansing butchers' shambles, slaughter-houses, &c.

115. It shall be lawful for the Inspector of Nuisances, or for any other officer appointed by the Council, when and as often as he or either of them shall see occasion, to visit and inspect any butchers' shambles, shops, boiling-down establishments, tanneries, fellmongering establishments, breweries, or places of a like nature in the said Borough, and to give such directions concerning the cleansing of the shambles, shops, tanneries, breweries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the occupier of any such premises as aforesaid, who shall refuse or neglect to comply with such directions within a reasonable time (not exceeding seven days) after being so directed, shall forfeit and pay a sum not exceeding ten pounds nor less than twenty shillings; but no prosecution shall be instituted unless by order of the Mayor or the Council.

Stables and nuisances not removed on complaint, &c.

116. In case any privy, stable, cow-yard, pig-stye, or any other enclosure, place, or thing within the said Borough shall be or become a nuisance, or shall be so close to a dwelling-house as to become a nuisance or injurious to the health of the inhabitants, it shall be lawful for the Council, by notice in writing, to order that such privy, stable, cow-yard, pig-stye, or other place or thing, being a nuisance or injurious to health, be remedied or removed off the premises within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance shall exist, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such owner or occupier neglecting to remedy or remove such nuisance, shall, for every such offence, forfeit and pay a penalty not exceeding twenty pounds.

Slaughter-houses.

Inspection of animals, &c.

117. Every Inspector of slaughter-houses shall, upon receiving information of any cattle having been slaughtered, or of any cattle being intended to be slaughtered, and also in all cases in which notice shall have been given to him, or left at his usual place of residence of the intention to slaughter any cattle, repair without delay to the place where such slaughtering has taken place, or is intended to be done, and shall examine and inspect the said cattle slaughtered or intended to be slaughtered, and shall take a particular description thereof, with the colour, mark or marks, brand or brands, sex, and apparent age, together with the name or names of the owner or owners thereof, and of the time and place of slaughter, which particulars he shall carefully enter, or cause to be entered, in a book to be kept by him for that purpose, which book such Inspector shall, when required, produce for examination by the Council, or by any person or persons deputed by the Council to make examination thereof.

Notice of intention to slaughter, &c.

118. Every person intending to slaughter any cattle within the limits of the said Borough, shall first give twelve hours' notice in writing to the Inspector of Slaughter-houses of the cattle intended to be so slaughtered, specifying the place and time, under the penalty of five pounds for each and every head of cattle which shall be so slaughtered without such notice having been given as last mentioned, unless it shall be made to appear to the Justices before whom such fine shall be sought to be recovered, that such notice could not have been given, and that owing to some unforeseen accident it was necessary that such cattle should have been immediately slaughtered; and in all cases in which any cattle shall have been slaughtered within the said Borough without having been previously inspected as aforesaid, notice thereof shall be immediately given to the said Inspector, and the skins of such cattle shall be kept or preserved for three days, and be produced upon demand at the place of slaughter to the Inspector for the Borough, under the penalty of five pounds for every skin so neglected to be preserved and produced.

Where inspection to be made.

119. Every inspection of cattle or sheep shall be made in the yards adjoining a licensed slaughter-house; and the owner or occupier of any such licensed slaughter-house shall keep the molts or spleens and lungs of all animals slaughtered therein for twelve hours after the same have been slaughtered, unless the Inspector shall have previously examined such molts, spleens, or lungs; and every owner or occupier as aforesaid who shall neglect or refuse to comply with these provisions, or any of them, shall forfeit and pay a penalty not exceeding five pounds for every such offence.

Slaughter of diseased animals.

120. If the owner or occupier of any such slaughter-house shall knowingly cause, permit, or suffer any animal infected with any disease affecting the melt or spleen or lungs to be slaughtered in any such slaughter-house, or if, after the slaughter of any animal, it shall be found to be diseased, and such owner or occupier, as soon as the animal is inspected and condemned, shall not immediately thereupon cause the entire carcass to be destroyed by fire in the presence of the Inspector, such owner or occupier shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds, nor less than ten pounds: Provided, however, that should the owner of any animal which may be condemned by the Inspector object to the decision of that officer, such owner shall be at liberty to appoint some veterinary surgeon or other competent person as arbitrator in his behalf; and in the event of the Inspector and such veterinary surgeon or other competent person not agreeing, it shall be lawful for and incumbent upon them, under a penalty of ten pounds each, to appoint an umpire, whose decision shall be final.

Inspector may enter shops, &c., for certain purposes.

121. Any such Inspector may, and he is hereby empowered at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butchers' meat, or as a slaughter-house, and to examine any animal, carcass, meat, or flesh, which may be therein; and, in case any animal, carcass, meat, or flesh appear to him to be intended for the food of mankind, and to be unfit for such food, the same may be seized; and if it appear to a Justice of the Peace, upon the evidence of a competent person, that any such animal, carcass, meat, or flesh is unfit for the food of mankind, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food; and the person to whom such animal, carcass, meat, or flesh belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every animal or carcass, piece of meat or flesh, so found.

Cleansing of slaughter-houses.

122. Every slaughter-house within the said Borough shall be thoroughly washed and cleansed within one hour after any animal shall have been slaughtered therein; and the blood, offal, and filth of all such animals as may be slaughtered in any slaughter-house, or in the premises or appurtenances thereunto belonging, shall be removed once at least in every twenty-four hours; and any owner or occupier of any slaughter-house who shall neglect to comply with this By-law shall forfeit and pay, on conviction for every such offence before any two or more Justices of the Peace in a summary way, any sum not exceeding ten pounds.

Slaughtering in unlicensed premises.

123. If any person or persons shall slaughter or cause to be slaughtered any animal in any house or place not licensed for such purpose according to law, such person or persons shall forfeit and pay any sum not exceeding ten pounds nor less than two pounds for each and every animal so slaughtered.

Animals slaughtered for home consumption.

124. Nothing in these By-laws contained shall extend to or affect any person or persons slaughtering at his or her or their own residences within the said Borough animals for the personal consumption of himself, herself, or themselves, or of his, her, or their family, servants, or labourers; Provided that the place where any such animal so slaughtered be not less than fifty yards from any street or other public place, or from any residence other than the residence of such person or persons so slaughtering, as in the By-law aforesaid.

Streets and Public Places, &c.

New roads to be reported upon.

125. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park, shall have been examined by the Improvement Committee and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

126. Whenever any proprietor or proprietors of land within the said Borough shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan, or plans, signed by himself or them-

selves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. And he or they shall execute an instrument dedicating such road, street, way, park, or other place as the Council may consider necessary.

Roads and streets, and encroachments thereon, &c.

127. The Surveyor of the Borough, or other proper officer or person duly authorized by the Council in that behalf, shall be the proper officer for making out, and shall fix, mark and lay out, when and where necessary in the opinion of the Council or Improvement Committee, the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and footways thereof which now are, or shall hereafter, be under or subject to the control, construction, care, or management of the Council. And it shall be the duty of such surveyor or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 ft. for the carriage, and 12 ft. for the footway on each side, where the road, street, lane, or thoroughfare shall be 66 ft. wide, and in proportion, and in the discretion of the Council, of any such road, street, lane, or thoroughfare, or other public place of other width than 66 ft.: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided.

Change of street levels.

128. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Improvement Committee shall cause a plan and section, showing the proposed alterations, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Borough, that such plan is so open to inspection. At the subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and countersigned by the Council Clerk.

Footways may be levelled.

129. The Surveyor may cause all footways to be levelled, and made as nearly as practicable of equal height and breadth and with an equal slope and inclination; and for this purpose may remove any flagging steps, or other matter, thing, or obstruction that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs, &c.

130. The Improvement Committees, or any officer or person acting under the authority of such Committees, may at any time cause the traffic of any street, lane, or thoroughfare or any portion thereof, to be stopped for the purpose of repairing the same or for any necessary purpose; and any person or persons offending against this By-law either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

No encroachment allowed on streets, &c.

131. Whenever any road, street, lane, or thoroughfare, has been marked out in manner herein provided, no house, shop, fence, or other structure shall be allowed, except as hereinafter mentioned, to project or encroach on any part thereof; and it shall not be lawful for any person, unless for any temporary or other purpose permitted by the Council, to erect or put up any building, erection, obstruction, fence, or enclosure, or make any excavation or hole on, or near such road, street, lane, or thoroughfare, unless due notice of the same shall have been given to the Council of the Borough at least one week before any such building, erection, obstruction, fence, or enclosure, excavation, or hole, as aforesaid, shall be commenced to be erected or put up or made, and the assent of the Council first obtained. Any person or persons offending against this By-law shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than forty shillings; and on every successive conviction for a similar offence, shall forfeit and pay a penalty of not less than five pounds.

Obstructing public pathways.

132. If the owner or occupier of any premises situate on the side of any street or road in this Borough shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footway, street, or road, and on demand made by the Council or their overseer or inspector, shall not cut or cause to be cut, lop, or cause to be lopped, all such trees, shrubs, or plants, the said Council and their servants and workmen may cut or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs, so cut or lopped without being deemed a trespasser or trespassers; and the Council may recover the cost of such work from the owner of the premises; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants or workmen in carrying out this By-law, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

No balcony, &c., to project more than 18 inches.

133. It shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, stringcourse dressing, or other erection or construction of any kind, to project more than eighteen inches beyond the alignment of any street, road, or thoroughfare, except with the consent of the Council first obtained, under a penalty not exceeding five pounds nor less than one pound.

Encroachments must be removed on notice.

134. The Surveyor or other officer of the Council may at any time, on the order of the Council, give seven days' notice in writing, directing the removal of any building, fence, sign-board, obstruction, encroachment, or erection of any kind, in and upon any reserve, road, street, lane, footway, thoroughfare, or place, under the charge of the Council, and such notice shall be served either personally or at the usual or last known place of abode of the person to whom such erection, obstruction, or encroachment belongs, or who has erected the same, or caused it to be erected; and shall state that in the event of such notice not being complied with within ten days, the work will be done at the risk and expense of the person served with such notice. And in any case where, after service of notice as aforesaid, the person served shall not comply therewith, it shall be lawful for the Council to direct the removal of the same under the superintendence of its officer, and the cost thereof to be recovered from the person so served as aforesaid; and the person neglecting to comply with such notice shall, in addition to the cost of removal, be liable to a penalty not exceeding twenty-five pounds, nor less than one pound; and in case of every successive offence, the penalty on conviction shall not be less than five pounds.

Or may proceed by action.

135. Notwithstanding the above By-law the Council shall be at liberty to proceed by action for trespass in respect of any such excavation, obstruction, or encroachment.

To apply also to obstructions by digging, &c.

136. The provisions, remedies, and penalties contained in the last two By-laws shall apply in all cases of obstruction, injuries, or encroachments by excavating under, digging, or taking away any portion of any reserves, road, fence, street, lane, footway, thoroughfare, or place within the Borough or under the charge of the Council.

Persons obstructing Overseer, &c.

137. Any person who shall wilfully obstruct or interfere with the Surveyor or other officers of the Council, or any person acting for or under him or them, in the exercise of any of the duties or powers by these By-laws imposed, shall, on conviction, forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Public Amusements.

Places of amusement to be licensed.

138. No dancing saloon, bowling, or skittle alley, shooting gallery, public billiard or bagatelle table, or similar place of amusement (other than entertainments requiring to be licensed by law), shall exist or be established within the Borough, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided; and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license, and the Council at its next meeting shall, by resolution, cause the said license to be cancelled or otherwise, as may appear necessary or desirable; and any person or persons having already established such places of amusement, who shall not within thirty days after these By-laws come into force apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid, without having obtained such license, shall forfeit and pay a sum of not less than ten pounds and not more than fifty pounds.

Mode of granting licenses.

139. Applications for licenses as aforesaid must be in writing, addressed to the Mayor and Aldermen, and must be endorsed by two responsible householders, testifying to the respectability of applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

140. Licenses shall be granted by resolution of the Council upon payment of license fees, as follows:—For every license granted between the 1st January and 1st of July, one pound one shilling, and between the 1st July and 31st December, ten shillings and sixpence. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of pound one shilling.

141. Licenses shall be issued by the Town Clerk to every person applying to be licensed to hawk or vend with a cart, dray, waggon, truck, or other vehicle, on payment for the same of a fee of ten shillings; and to every person applying to be licensed to hawk or vend with a pack or basket, on payment of a fee of two shillings and sixpence; and every such license shall be in force until the 31st day of December, then next following the date thereof; and the Town Clerk shall keep a register of the names of all such licensed hawkers. But if any such license shall be issued after the 30th June in any year, only half of the above fees shall be charged.

Processions, parades, &c.

142. Any person desiring to organize or carry out any procession or parade, in any street within the Municipality, shall first apply to the Mayor for the time being for permission for such purpose; and if any person shall organize or lead any procession or parade of any kind within or along any of the said streets, for which the permission, in writing, of the Mayor has not been obtained, he shall be liable to a penalty not exceeding five pounds, and any person who shall join or take part in any such procession shall be liable to a penalty not exceeding two pounds.

This By-law shall not apply to any Volunteer Military Corps or Fire Brigade, the members whereof shall be in uniform and in charge of an officer of such corps or brigade.

Water supply.

143. The following rate shall take effect from the first day of January and the first day of July in each year, upon all lands and tenements within the area on any water district within which water is authorized to be supplied:—

- (1.) The rates and charges hereinafter specified are those which the owners and occupiers of lands and tenements shall pay in respect of water supplied, otherwise than by meter for domestic purposes.
- (2.) On every house, tenement, or land there shall be paid to the Council the annual minimum sum of ten shillings, and in no case shall water be supplied at less than that sum.
- (3.) On every house or tenement there shall be paid the rate of five shillings per room for each and every room in such tenement, all out houses to be included except water-closets, in all stables every two stalls to be rated as one room.
- (4.) The charges for water supplied by meter for steam-boiler purposes shall be at the rate of two shillings per thousand gallons, the minimum quantity to be charged for water supplied to any such boiler shall be five thousand gallons per month.
- (5.) The charge for water supplied by meter for manufacturing and other purposes, unless otherwise specified, shall be at the rate of two shillings per thousand gallons; the minimum quantity to be charged for water supplied shall be five thousand gallons per month.
- (6.) The charge for water supplied by meter to charitable institutions (hospitals excepted), for all domestic purposes shall be at the rate of two shillings per thousand gallons; the minimum quantity to be charged for water supplied shall be five thousand gallons per month.
- (7.) The charge for water supplied by meter to cricket and bowling clubs, and all other pleasure or show grounds whatsoever, shall be at the rate of two shillings per thousand gallons; the minimum quantity to be charged for shall be two thousand gallons per month.
- (8.) The charge for water supplied by meter for irrigation, gardens, nurseries, and private fountains, shall be at the rate of two shillings per thousand gallons; the minimum quantity to be charged for shall be at the rate of two thousand gallons per month.
- (9.) The charge for a temporary supply of water during the erection of new buildings shall be ten shillings per centum on the amount of contract for stonework, brickwork and plastering, or the Council may require the meter to be fixed, and the charge shall be two shillings per thousand gallons.
- (10.) The charge for warehouses and wholesale stores not being domiciles shall be four shillings per thousand gallons; the minimum quantity to be charged for water supplied shall be two thousand gallons per month.
- (11.) The charge for water supplied for motive power, public baths, and troughs in streets, shall be at the rate of two shillings per thousand gallons; the minimum to be charged for shall be two thousand gallons per month.
- (12.) All accounts for water supplied under special agreement or by meter shall be paid monthly.
- (13.) Upon receiving a petition signed by two-thirds of the ratepayers in any public way in the said city, or in any part of such way, the Council may cause the same to be watered: or they may in their discretion cause

any public way to be watered, and may impose on the tenants or owners of buildings in such public way a uniform rate sufficient to cover the expense, which rate shall be assessed upon and according to the amount for which such buildings are assessed for the purposes of the city rate, in addition to every other rate hereby authorized and made payable; and every such rate may be made, levied, enforced, and recovered in like manner as any city rate.

144. Regulations for the guidance of licensed plumbers in supplying water to houses in the Borough of Goulburn and suburbs:—

- (1.) Before any person shall affix any service-pipe to any pipe of the said Council, or alter, repair, or in any manner interfere with any pipe of the said Council, or any service-pipe, cock, or fitting connected with the pipes of the said Council, he shall obtain from the said Council a license in that behalf to execute such works; and any unlicensed person affixing, altering, repairing, or in any manner interfering with such pipe, service-pipe, cock, or fitting as aforesaid, shall be liable to a penalty not exceeding ten pounds.
- (2.) Before any such license shall be granted by the said Council, the person applying for the same shall satisfy the said Council that he is a competent plumber.
- (3.) Notice of intention to connect service-pipes or water-meters to the mains or to any other service-pipe in each case to be lodged with the Town Clerk, and for the correct information in such notice the plumber will be strictly responsible. The premises will then be inspected, and when the agreement is signed and rate paid, the plumber will receive a printed authority to proceed with the work. The ground is not to be opened or pipe connected until he has such authority. Printed forms of the notice to be obtained from the Town Clerk.
- (4.) In all cases where it is intended to connect a service-pipe to the service-pipe of any other premises, a written permission from the owner or occupier of such premises must be sent to the Town Clerk before the authority to connect will be granted.
- (5.) In every case of repairs to service-pipe, or where it may be wished to transfer service-pipes from one main to another, or to connect with other service-pipes, or where any change or alteration to them may be required in any way, notice of such repair or alteration, &c., must be given in writing to the Town Clerk at least twenty-four hours before any such work shall be commenced, except in cases of great waste of water, when immediate stops must be taken to stop the leak, and notice given to the Town Clerk of the same forthwith.
- (6.) All service-pipes must be laid 18 inches below the surface of roadway and gutters and meters, where required, fixed in accordance with the direction of the Town Clerk or other authorized officer of the Municipal Council; and on each service-pipe connected with the mains must be fixed two stop-cocks, one at the junction of the main, and the other on the footpath, 1 ft. 6 in. from the building lines, enclosed in an iron box with proper lid. All service-pipes, taps, stop-cocks, ball-cocks, valve, &c., shall be equal in quality to samples kept in the Town Clerk's office or be approved of by the Town Clerk or other authorized officer of the Municipal Council.
- (7.) All service-pipes connected with the water mains are to have a length of at least two feet of $\frac{3}{4}$ -inch lead pipe, weighing 9lb. per lineal yard, or where a 1-inch service is authorized, the lead pipe to weigh 12lb per lineal yard, between the stop-cock in the main and the galvanized iron service-pipe; and where the service-pipes are entirely of lead, the weights for respective sizes are to be as follows, viz.:— $\frac{1}{2}$ -inch, 4lb.; $\frac{3}{4}$ -inch, 9lb.; 1 inch, 12lb.; all joints throughout the service are to be of the kind known as wiped joints. The lead pipe above referred to is to be joined to the stop-cock at the main, and to the galvanized iron service-pipe by means of a barrel union, similar to that on view in the Town Clerk's office, or other approved fittings.
- (8.) No service-pipe will be allowed to communicate with any cistern, tank, or vessel intended or used for the reception of rain-water.
- (9.) All water meters to be enclosed in a strong wooden box; all keys of both meters and boxes to be lodged at the Town Clerks' office, immediately after the meters are fixed. The Municipal Council reserves the right of affixing their own locks to the meters and boxes; twenty-four hours' notice to be given of the day on which it is intended to connect meters, in order that the proper officer may attend and see them fixed correctly. On no account are plumbers or other persons to take off, alter, or otherwise interfere with meters or pipes connecting; the same, unless by permission of the Town Clerk, and in the presence of an authorized officer of the Corporation.

- (10.) The officers connected with the water service are strictly enjoined to report every case of infringement of these Regulations, and the plumber offending against any of them will have to show cause why his license should not be suspended or cancelled, as may be thought proper in the circumstances of the case, besides being held responsible for any damages occasioned by his so transgressing any of the Regulations.
- (11.) All licensed plumbers to attend at the Town Clerk's office, on or before the 10th January, in each year to have their names and licenses registered, and the latter endorsed. Only such plumbers as comply with this Regulation will be deemed "Licensed Plumbers," and allowed to work as such.
- (12.) In each ward certain days in each week will be set apart upon which connections with the mains may be made. Upon those days the Council's officers will be in attendance in those districts, in order to attend plumbers, and plumbers must, in all cases, give two days' notice at the Town Clerk's office of their intention to make connections, and indicate on the wall or kerb, by a temporary mark (W), where they propose to cross the footpath.
- (13.) The Council's workmen are to open the trench, bore the mains, and insert the stop-cock within the city boundaries, the stop-cock being of the kind, a sample of which is on view at the Town Clerk's office, the same being left at the Town Clerk's office along with the notice to connect.
- (14.) By the time these operations are completed, the plumber, who has been employed to lay on the service, must have taken all his measurements, prepared all the pipes to the exact length, complete with the lead connections of approved length and weight per yard, properly jointed to cap linings, barrel union, &c., ready for attachment to the stop-cock, so as to avert any delay in the refilling of the trench.
- (15.) In the event of the articles above-named not being ready for fixing at the period named, the trench may be filled in again by the Council's workmen, and the reopening and filling of the same shall be paid for by the plumber, in addition to whatever other payments which may accrue under these Regulations.
- (16.) All expenses of labour in drilling, inserting stop-cock, opening and filling trenches, shall be borne by the plumber, the account for the same to be delivered without delay, and paid by him to the Town Clerk immediately on receipt of the account. Failing due attention to the latter directions, the Council may forfeit the license of the said plumber.
- (17.) All service-pipes within the city boundaries are to be $\frac{1}{2}$ inch galvanized iron pipes, or, if of lead, may be $\frac{3}{4}$ inch from the end of the lead connection to the building line, but the stop-cocks are to be $\frac{3}{4}$ inch.

A printed copy of the above Regulations will be given to each licensed plumber.

An annual fee of twenty shillings will be charged for each license; but for every quarter of a year that elapses a rebate of five shillings will be allowed.

GENERAL BY-LAWS.

Cellars or Openings, &c.

Cellars or openings beneath footways prohibited.

145. It shall not be lawful for any person to make any cellar or any opening, door, or window, in or beneath the surface of the footway of any road, street, lane, thoroughfare, or other public place within the said Municipality; and if any person shall offend in the premises he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices, provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered.

146. Every person who shall have a well situated between his or her dwelling-house or the appurtenances thereof, and any street, or footway within the limits of the Municipality, or at the side thereof, or in any yard or place open and exposed to such street or footway, shall, within the space of three calendar months from the 1st August, 1887, cause such well to be securely and permanently covered over; and if any person, having such well as aforesaid, shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last-known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Throwing of orange peel or other substances on the footpaths.

147. Any person who shall cast or throw orange peel, or any other vegetable substances, or any offensive or noxious substance, upon any footpath within the Municipality, shall forfeit and pay for each offence a fine not exceeding ten shillings.

For preventing obstructions of any streets or footways.

148. Any person congregating with others in any street or footway within the City so as to obstruct the free passage and traffic through, along, or upon the same, who shall refuse or neglect to move on so as to cease from and discontinue such obstruction upon being requested so to do by any police-constable or officer, or by any Inspector or other officer of the Corporation, such person so offending shall forfeit and pay a penalty of not less than five shillings, and not exceeding forty shillings.

Driving or riding on footway.

149. Any person who shall run, roll, drive, draw, place or cause, permit or suffer to be run, rolled, driven, drawn, or placed upon any footway any waggon, omnibus, cart, dray, stage, bicycle, tricycle, carriage, wheelbarrow, truck, cask, or any other vehicle, or shall lead, drive, ride, or place any horse, cattle, or other beast upon any footway, shall forfeit and pay a penalty not exceeding five pounds nor less than ten shillings.

Riding and driving round corners, &c.

150. Any person who shall ride or drive round the corner of any road, street, or lane, within the said Borough, at a faster pace than a walk, shall, on conviction, forfeit and pay any sum not exceeding twenty shillings nor less than five shillings.

Injuring or extinguishing lamps.

151. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence any sum not less than one pound nor more than five pounds.

Placarding or chalking on walls, &c.

152. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, footpath, fence, or building within the limits of the said Borough, nor to deface any such wall, house, or building by chalk or paint or in any other manner; and any person who shall be guilty of any such offence shall, upon the complaint of the owner or occupier of any such wall, house, or building, forfeit and pay, on conviction, the sum of ten shillings.

Trees in streets.

153. The Council shall have power to plant trees, shrubs, and plants in the streets and public ways of this Borough, and any person wilfully injuring or destroying any of such trees or any railing, fence, or thing protecting the same, shall, on conviction, forfeit and pay a penalty of not more than ten pounds nor less than one pound, in addition to the value of the trees, railing, fence, or thing so injured.

Fireworks.

154. Every person who, without leave of the Council previously had and obtained, shall light any bonfire, tar-barrel, or firework upon or within sixty yards of any public or private street or any public place; or who shall sell gunpowder, squibs, rockets, or other combustible matter, by gas, candle, or other artificial light, shall forfeit for every such offence a sum not less than ten shillings nor more than ten pounds.

Stacking or storing empty cases in the open air.

155. Every person who, being the occupier of, or having the control and use of any vacant land, yard, right-of-way, or passage of whatsoever description within the City shall place, or cause or permit to be placed, or suffer to remain after being placed, in the open air on any vacant land, or in any yard, street, right-of-way, or passage, any cases, paper shavings, or crates, whether containing merchandise or not, packed with straw or other inflammable substance, shall forfeit and pay a penalty of not less than one pound and not exceeding ten pounds; and each days' continuance of the same unabated or unremoved shall be deemed a separate offence, and every person so offending shall forfeit and pay a penalty of one pound for every day the nuisance shall remain and continue.

Houses of ill-fame.

156. Upon representation to the Council that any house or premises within the Borough is of ill-fame, it shall be lawful for the Council to cause the residents of such house or premises to furnish to the Council a list of the names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or if, upon consideration, the Council consider the house to be one of ill-fame,

they shall declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice; and if such nuisance be not so abated, the holder of such house or premises, or person residing or being therein, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereon, forfeit and pay any sum not less than two pounds, nor more than twenty pounds; and if such nuisance shall not be abated within forty eight hours after such conviction, the holder of the house, or person residing or being therein as aforesaid, shall forfeit and pay for such second offence, a sum of not less than five pounds nor more than fifty pounds; and if a further period of forty-eight hours shall elapse after such second conviction, without the abatement of such nuisance, the holder of such house or other person residing or being therein as aforesaid, shall for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

157. Any person who shall commit a breach of these By-laws, or who shall do, or omit to do any act which is prohibited or required by these By-laws, and for which no special penalty is provided, shall forfeit and pay a penalty not exceeding forty shillings.

Adopted by the Municipality of the Borough of Goulburn, this 29th day of June, 1887.

(L.S.) FRANCIS TAIT,
Mayor.

J. B. SALMON, Town Clerk.

The following are the Schedules referred to in these By-laws:—

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Borough of Goulburn, do hereby authorize you _____, Bailiff of the said Borough, and your deputy or deputies duly appointed, or either of them, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the Borough of Goulburn, for the sum of _____, being the amount of Municipal rates due to the Borough of Goulburn, to the day of _____, for the said (dwelling house, land, or premises, as the case may be) and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____, 18 ____.
(Corporate seal) _____, Mayor.

Town Clerk.

SCHEDULE B.

Borough of Goulburn—Fees of Bailiff.

	s.	d.
Warrant	1	0
Levy and inventory	2	6
For each day, or portion of day in possession, each man	7	0
For each sale under £5	5	0
For each sale over £5, per £	1	0

SCHEDULE C.

Borough of Goulburn—Inventory.

I have this day, in virtue of a distress warrant, under the hand of the Mayor of the Borough of Goulburn, dated _____, distrained the following goods and chattels in the dwelling house, or in and upon the land and premises of _____ situate at _____, within the Borough of Goulburn, for the sum of _____, being the amount of rates due to the said Borough, to the _____ day of _____, 18 ____.

Bailiff.

SCHEDULE D.

Table of licensed fees, payable by drivers of licensed vehicles.

	s.	d.
For every driver's license for a vehicle to carry passengers	5	0
For every conductor's license for a vehicle to carry passengers	5	0

SCHEDULE E.

Rates and Fares to be paid for any Hackney-carriages and Cabs within the Borough of Goulburn.

	s.	d.
For a cab for any time not exceeding one quarter-of-an hour, to carry one or two passengers, if required by hirer	1	0

For every subsequent quarter-of-an-hour or part thereof	s. d.
But if engaged for more than one hour, then to be paid at the rate of ninepence for every additional quarter of an hour or part thereof.	1 0
For a hackney-carriage for any time not exceeding one half-hour, to carry five persons, if required, by hirer	2 6
For every subsequent quarter-of-an-hour or part thereof	1 3
But if engaged for more than one hour, then the fare to be paid at the rate of one shilling and threepence for every additional quarter-of-an-hour or part thereof.	
Every passenger by omnibus shall pay one shilling for the first quarter-of-an hour and a shilling for every additional quarter-of-an-hour or part thereof.	
Each passenger travelling by a cab, carriage, or omnibus is allowed 50 lb. of luggage, every 50 lb. or part of 50 lb. additional to be charged one shilling.	

SCHEDULE F.

Any van or dray used for the removal of household furniture shall be paid as follows:—

For the first hour or part thereof	s. d.
For every additional half-hour or part thereof	2 6 1 3

SCHEDULE G.

The following places are appointed stands for licensed vehicles:—

No. 1 stand—On the east side of Sloane-street, between Clinton and Verner Streets.

No. 2 stand—On the east side of Auburn-street, between Montague and Market Streets.

No. 3 stand—On the west side of Auburn-street, between Clinton and Addison Streets.

No. 4 stand—On the east side of Grafton-street, between Bradley and Cole Streets.

SCHEDULE H.

Form of license for proprietors and drivers.

This is to certify that _____ is hereby licensed to No. _____ within the Borough of Goulburn, from the date hereof to the thirty-first day of December next, subject, nevertheless, to all and every the By-laws, Rules, and Regulations in force relating thereto.

Given under our hand at Goulburn, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Build.
Colour.
Lining.
Name.
Stand.
Line of road.

Licensed to carry _____ inside passengers and _____ outside.
Mayor.
Town Clerk.

SCHEDULE I.

A requisition for license.

To the Council Clerk of the Borough of Goulburn.

I, _____, residing in _____ street, within the Borough of Goulburn, do hereby request that a license may be granted to me, _____, within the limits of the said Borough.

Dated at Goulburn, this _____ day of _____, A.D. 188 _____.

We certify that _____ is above the age of eighteen, of good character, and capable of driving.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF GUNNEDAH—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 23rd November, 1887.

MUNICIPAL DISTRICT OF GUNNEDAH.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Gunnedah, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act 1875" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

HENRY PARKES.

THE following By-laws, made by the Municipal Council of Gunnedah, for regulating their own proceedings and the duties of their officers and servants, and preserving order at Council meetings; for determining the times and modes of collecting and enforcing payment of their rates, either current or in arrear; for preventing and extinguishing fires; for suppressing nuisances, houses of ill-fame, and gaming-houses; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling-alleys, and other places of amusement; for compelling residents to keep their premises free from offensive or unwholesome matters; for regulating and licensing porters, public carriers, carters, water-drawers, and vehicles plying for hire, the killing of cattle and sale of butchers' meat, and the establishment and locality of slaughter-houses or abattoirs; for regulating markets, market dues, fairs, and sales (A); for opening new public roads, ways, and parks; for aligning, curbing, paving, guttering, gravelling, and cleansing roads and streets; for regulating the supply and distribution of water, sewerage, and drainage; for lighting with gas or otherwise; for causing vacant building lots in town to be enclosed where public safety is likely to be endangered; for regulating the interment of the dead; for planting and preserving trees and shrubs; for generally controlling and managing public reserves; for collecting and enforcing special rates for water supply, and free libraries; for preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; for preserving public decency; for providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; for restraining noisome and offensive trades; and for generally maintaining the good rule and government of the Municipality.

PART I.

Meetings of the Council.

1. The ordinary sittings of the Council shall be on every alternate Monday, at the hour of 8 p.m., unless such day shall be a public holiday. In that case the meeting shall be held on such other day as the Mayor shall appoint.

329—A

Election of Chairman in absence of Mayor.—Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the Minute-book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Correspondence to be read, and orders made thereon if expedient.
3. Petitions (if any) to be presented.
4. Reports from Committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
5. Payments.
6. Question as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made.
7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper: Provided that it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion or to deal with any particular matter of business out of its order on the business paper without any formal suspension of this section; and also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Aldermen at whose instance the special meeting shall be called may direct.

Business paper for ordinary meetings—how prepared.

5. The business paper for every meeting of the Council other than a special meeting shall be made up by the Council Clerk not less than two days or more than three days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provision of section 4 of this part of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

7. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of Motion, &c., to be numbered as received and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor, as to the entry of any particular matters of business for the consideration of the Council at the then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of and the record in the Minute-book of the manner in which such matter has been so disposed of shall have been duly verified, as required by section 4 of this part of the By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions—how to be moved.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper; and if not so moved or postponed shall be struck from such business paper and be considered to have lapsed.

Absence of proposed mover.

10. No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing, and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion, the effect of which if carried would be to rescind any motion which has already been passed by the Council, shall be entered upon the business paper unless a call of the whole Council has been duly made and granted for that purpose.

Amendment may be moved.

13. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of. If an amendment be carried, the amendment shall become the question before the Council, whereupon any further amendment may be moved.

Petitions and correspondence.

15. The Council may at any meeting resolve, without previous notice, that any petition be received, and that the same, or any correspondence read, be referred to a Committee to report, or that requests contained therein be granted.

Mayor to preserve order.

16. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

17. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decision on points of order final.

18. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of the Council as to laying down General Rules, &c.

19. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may hereafter arise. Any rule or principle thus laid down shall be binding on all parties, unless and until it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

20. The Mayor may take part in all the proceedings of the Council or Committees thereof.

Questions put by Mayor.

21. The Mayor shall put all questions, first in the affirmative and then in the negative (provided that where an amendment is moved to any motion the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon; and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to preaudience of Aldermen.

22. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall have pre-audience.

Alderman to stand while speaking, &c.

23. Every Alderman shall stand while speaking, and shall address the Chair. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

No Alderman to speak twice on the same question or amendment, except in Committee.

24. No Alderman shall speak twice on the same question, unless in Committee or in explanation, where he shall have been misrepresented or misunderstood, and then only by leave of the Mayor or Chairman: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

25. No Alderman shall digress from the matter under discussion or make personal reflections on, or impute motives to, any other Alderman, or speak on any question more than fifteen minutes.

Aldermen using offensive expressions to apologize.

26. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council. And if any Alderman shall refuse to withdraw such language and apologize, he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings nor more than five pounds.

Debate may be adjourned.

27. A debate may be adjourned to a later hour of the same day or to another day.

28. The Alderman upon whose motion any debate shall be adjourned shall be entitled to preaudience on resumption of the debate.

Adjournments.

29. Any motion for adjournment of the Council, if seconded, shall be immediately put without discussion; but if such motion be negatived, it shall not be competent for any Alderman to make a similar motion until fifteen minutes shall have elapsed.

Any Alderman may divide Council.

30. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Alderman, and how voting, shall have been taken down by the Council Clerk or person officiating for him.

Divisions to be entered on minutes.

31. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

32. Any Alderman may require the question or matter under discussion to be read once for his information, or may require the production of any records of the Council bearing upon any such question or matter; and upon such request the question or matter under discussion shall be read. But no such requisition shall be made so as to interrupt any Alderman while speaking.

Mode of proceeding in cases not provided for.

33. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Lapsed questions.

34. If a debate, or any motion moved and seconded, be interrupted by the number of the members present becoming insufficient for the transaction of business, such debate may be resumed at the point where it was so interrupted, upon motion by notice.

35. If a debate upon any order of the day be interrupted by any insufficiency of numbers as aforesaid happening, such order may be restored to the notice paper for a future day, on motion upon notice, and then be resumed at the point where it was so interrupted.

Committees.

36. Besides such select and special Committees as may from time to time be found necessary, there shall be standing Committees, namely,—A Finance Committee, a Public Works Committee, a Lighting Committee, a Library Committee, and a Committee of General Purposes.

37. The standing Committees shall consist of three members, two to form a quorum. Every Committee, of which the Mayor of the Municipality is not a member, before proceeding to other business, shall choose its chairman. If the chairman of a Committee shall cease to be a member of the Council, or shall decline to act further as such chairman, a new chairman shall be chosen before any further business is entered upon.

38. When the report of a select Committee is brought up and presented to the Council, the question as to its reception may be moved and put at once.

39. Every Committee shall have a right to take evidence upon any question or questions of fact wherein it is the duty of such Committee to report. A minute of the evidence thus taken, or of its substance, must, however, in all cases be appended to the Committee's report.

40. Minutes of all proceedings of Committees, as well as their reports, numbered in consecutive order, shall be entered in the Committee's Minute-book, and being signed by the chairman of the Committee, or in his absence by some other member of the Committee, shall be delivered by him to the Council Clerk twenty-four hours previous to the meeting of Council when such report is to be brought up.

41. The chairman of every Committee shall have the right, without asking leave of the Council, to remove from the Council Chamber, for any space of time not exceeding sixty hours, any book, document, or paper, other than the minute-book, either for inspection by such Committee, or for reference in preparation of the report. In all such cases, however, he shall deliver to the Council Clerk an acknowledgment under his hand of having received such book, document, or paper, and shall be held responsible for the safe keeping of the same.

42. The standing Committees shall be reappointed within one month after the commencement of the municipal year.

43. Any Alderman moving for a select Committee, may propose certain Aldermen as members of the same; or he may simply state the nature of such intended Committee, leaving the selection to be made by ballot.

44. Every Alderman proposing the appointment of a select Committee must name himself as one.

45. The appointment of every special Committee shall continue until the specified duty for which it has been appointed shall have been discharged.

46. Before any proposed By-law is discussed in Council, a copy thereof shall be open for public inspection in the office of the Corporation, not less than seven days.

47. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

48. No matters of account shall be disposed of by the Council until they have been examined and reported upon by the Finance Committee.

49. No payments out of the funds of the Council shall be made but such as are authorized by a vote of the Council: Provided always, that the Mayor, with the assent of any two members of the Committee of Public Works may, in case of emergency, authorize the expenditure of any sum not exceeding five pounds (£5); but such discretionary expenditure shall be reported to the Council at its next meeting.

Finance Committee.

50. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed, by resolution of the Council, to inquire and report upon.

Public Works Committee.

51. The Public Works Committee, as such, shall have the general inspection of all public works in progress throughout the Municipality, and shall have the right of calling the attention of the Council by report to any matter connected with such works, or with the state of any public thoroughfare which may seem to require such attention, or which they may be directed, by resolution of the Council, to inquire into and report upon.

52. No public works involving a probable expenditure of more than fifty pounds (£50) shall be undertaken until the Public Works Committee have reported to the Council an estimate of the cost thereof.

53. All accounts against the Council relating to works, shall be examined by the Public Works Committee, and such as are found correct shall be certified and passed by the Finance Committee.

Lighting Committee.

54. The Lighting Committee shall, once at least in each municipal year, make an inspection of the Municipality, and shall recommend the erection of any additional public lamps they may consider necessary, or the removal of any existing lamps, and shall submit their report to the Council in writing.

Library Committee.

55. The Library Committee shall have general control of the Public Library, and shall, once at least in each year, submit to the Council a written report upon the same as to its efficacy, usefulness, and the manner in which it is conducted, and may also recommend the purchase of additional books or any other matter or thing they have reason to consider will be of benefit.

General Purposes Committee.

56. All matters which the Council shall think fit to refer to a Committee, and which do not fall within the province of any other standing Committee shall be referred to a Committee appointed for that particular purpose.

Special Committees.

57. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed. And no standing Committee shall interfere with the performance of any duty which may for the time have been entrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such special Committee. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; or an amendment to the effect that such special Committee be appointed by ballot may be carried.

Rules to be observed in Committee.

58. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Petitions.

59. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council, and that the contents do not violate any By-law or any provision thereof.

60. Every Alderman presenting a petition to the Council shall write his name at the beginning thereof.

61. Every petition shall be in writing and not printed or lithographed, and shall contain the prayer of the petitioners at the end thereof, and be signed by at least one person on every skin or sheet upon which it is written.

62. Every petition shall be signed by the persons whose names are appended thereto, by their names or marks, and by no one else, except in cases of incapacity by sickness; and all such signatures shall be received as the signatures of the parties purporting to sign the same, without proof thereof.

63. No letters, affidavits, or other documents shall be attached to any petition.

64. Every Alderman presenting a petition to the Council shall confine himself to a statement of the persons from whom it comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer thereof.

Member or Officer of Council not to be surety.

65. In cases where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

66. The Council Clerk shall attend at the office of the Council, for the purpose of transacting the ordinary business of the Council, on every Tuesday and Friday, from 2 to 4 p.m.

67. The Council Clerk in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act; he shall also under the direction of the Mayor conduct all correspondence which may be necessary on the part of the Council; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of the Mayor.

Custody of records, seal, &c.

68. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used, except with the signature of the Mayor, or in case of absence or illness of the Mayor, of two Aldermen, and countersigned by the Council Clerk.

Bonds for good conduct, and deeds of real and personal estate.

69. All bonds given by officers or servants of the Council for the faithful performance of their duties, and deeds of real and personal estate, shall be deposited with the bankers of the Corporation, as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Records, &c., not to be defaced or altered.

70. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, book, paper, or record, shall on conviction thereof forfeit and pay for every offence a penalty not exceeding fifty pounds.

Nor removed.

71. Any person, except a chairman of special Committees, as provided for in clause 41 in this part of the By-laws, who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal, charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council first had and obtained, shall on conviction thereof forfeit and pay a penalty of not more than twenty pounds, and for every subsequent offence a penalty of not more than fifty pounds.

Duties of other officers and servants.

72. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be fixed by the Council.

Special powers of Mayor.

73. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return statement, explanation, or information is on record, as hereinbefore provided, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either recorded *viva voce* or put into writing, as the Mayor may direct.

Duties of Mayor as to correspondence.

74. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by section 65 of the By-laws is imposed upon Aldermen presenting petition. The Mayor shall direct as to the correspondence to be read, and to the order thereof, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman: Provided that should any correspondence not be read, the same may be moved for by motion upon notice.

Statement of accounts.

75. Not later than the months of March and September in each year, the Mayor shall lay before the Council the accounts for the previous half-year, duly audited; but should any auditor, who has by letter addressed to the Council Clerk accepted that office, not attend for the purpose of auditing the accounts when

required by authority of the Mayor to do so, or refuse to certify to the correctness of the account, unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

How complaints against officers, &c., are to be dealt with.

76. All complaints against officers or servants of the Council must be in writing, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing or anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same. And if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to or investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint, shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith. And such complaint, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof, which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further, that nothing herein contained shall be held to affect in any way the special powers conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is or hereafter may be, conferred by statute upon such Mayor.

Leave of absence.

77. No leave of absence shall be granted to the Mayor or to any Aldermen, otherwise than by a resolution of the Council.

Mode of calling for tenders,

78. Whenever it is decided that any work shall be executed, or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice as hereinafter provided.

Suits and prosecution for penalties, &c.

79. Such suits or informations for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an auditor, or any officer of the Council—by the Council Clerk, unless such Council Clerk shall be the officer proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person—by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought or information laid as aforesaid against any member of the Council, or auditor, except by the order of such Council; nor shall any similar proceeding be taken against any officer of the Council except on the order of such Council, or of the Mayor; nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid, as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information the same shall have been dismissed on its merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

How notices are to be published.

80. In all cases where public notice is or shall be required to be given by any By-law, of any appointment, resolution, act, or regulation done, made, or passed, or proposed to be done, made, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, or by advertising the same twice in some newspaper circulating in the Municipality.

PART II.

Determining the time and modes of collecting and enforcing payment of their rates, either current or in arrear.

Rates—Levying Rates, &c.

Collection of Rates.

1. All rates levied or imposed by the Council under sections 164, 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution at the time of making or imposing such rates or any of them, have appointed. All such rates shall be paid at the Council Chambers at the hours appointed by the Council for that purpose.

Rate Collector to furnish list of defaulters.

2. Every person not paying his or her rate at the time appointed shall be deemed a defaulter, and it shall be the duty of the rate Collector to furnish the Mayor and Council, or any Committee as directed, with list of all persons so in default.

3. The Rate Collector shall, at least once a week, pay into the credit of the Council's bank, all moneys collected by him, and render an account thereof to the Council Clerk.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcement of distress.

5. The Bailiff shall be appointed by a resolution of the said Council, and shall be at any time removable by a like resolution.

6. The Bailiff shall find two sureties, to the satisfaction of the Council, to the extent of twenty pounds sterling each, for the faithful performance of his duties.

7. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

8. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

9. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises, or at such other place within the Municipality as the said Bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner; and any person interfering with the said Bailiff in the execution of any of the duties devolving upon him under these By-laws, or hindering or preventing him from delivering to the purchaser thereof any property so sold by the said Bailiff, shall be liable to a penalty of five pounds (£5).

10. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after the making such distress.

Goods may be impounded.

11. The Bailiff on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner direct order of sale.

12. The owner of the goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

13. The Bailiff shall render an account to the Council Clerk of all proceeds of every such distress within forty-eight hours after having received the same, and within the like period deposit all such proceeds in the Council's bank to its credit.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or in his absence with the sanction of any two Aldermen of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs.

15. There shall be payable to the Bailiff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipal District of Gunnedah, hereby authorize you, _____, Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of _____, being the amount of Municipal rates due to the said Municipality to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 188____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand of the Mayor of the Municipal District of Gunnedah, dated _____, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the said Municipality, for the sum of _____, being the amount of rates due to the said Municipality to the _____ day of _____, 18____.

Dated this _____ day of _____, 18____ Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	6
For serving every warrant and making levy ...	2	6
For making and furnishing copy of inventory ..	2	0
For man in possession each day or part of day	5	0
For sale, commission, and delivery of goods per pound sterling on proceeds of sale	1	0

PART III.

Streets and public places, &c.

New roads to be reported upon.

1. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council, until after such road, street, way, or park shall have been examined by a Committee for works, and reported upon to the Council by such Committee.

Plans of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the said Municipality, shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument, dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council.

Roads and streets and encroachments thereon, &c.

3. The Surveyor of the Municipality, Clerk of Works, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Surveyor, Clerk of Works, or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footpath on each side where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion and in the discretion of the Council in any such road, street, lane, or thoroughfare or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare or public place until the same shall have been submitted to and adopted by the Council, as hereinafter provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

4. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of rate-payers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled.

5. When any footway shall have been marked out in manner hereinbefore directed, the Surveyor or such officer or persons so authorized as hereinbefore mentioned may cause the same to be levelled and made as nearly as practicable of equal height and breadth and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs, &c.

6. The Mayor, Committee for Works, or officer or person acting under the authority of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds.

No encroachment allowed on street, &c.

7. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof, and it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or to make any hole, excavation, opening, in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council has been obtained to the erecting or making any such building, erection, obstruction, fence or enclosure, excavation, hole, or opening as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds, and for the second and every subsequent offence a sum not exceeding ten pounds.

Obstructing public footways.

8. If the owner or occupier of any land situated on the side of any street or road in this Municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut and lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist,

or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1887, every person so offending shall on conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window, forming part of or attached to any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid which may hereafter be added to any existing building be allowed to project as aforesaid under a penalty not exceeding twenty pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also, that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment, which shall be built, erected, or constructed after these By-laws become law, in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Providing that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds.

Or may proceed by action

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for and under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer shall on conviction forfeit and pay a penalty of not more than twenty pounds.

Hoards or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Municipal District of Gun-nedah, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street with a convenient platform and handrail, or upon the public street or road within a distance of less than twelve feet from the building line thereof, if there be room enough, to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid standing in good condition to the satisfaction of the officer of the Council of the said Municipality during such time as the public safety or convenience requires, and shall in all cases in which it is necessary in order to prevent accidents cause the same to be sufficiently lighted during the night; and every such person who shall fail to put up such fence or hoard or platform with such handrail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the period of such building or taking down, or who shall not while the said hoard or fence is standing keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality within a reasonable time afterwards shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

PART IV.

Offences—Nuisances—General Good Order of the Municipality.

Damaging public buildings, &c.

1. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, footway, sewer, water-course, fence, tree enclosure, or other property of the Municipality, shall pay the cost of repairing the same; and if the same be wilfully done, shall also forfeit and pay a sum not exceeding twenty pounds: Provided that such cost and penalty shall not exceed in the whole the sum of fifty pounds.

Injuring public fountains, &c.

2. Any person who shall injure any public fountain, pump, cock, or water-pipe, or any part thereof, shall pay the cost of repairing the same; and if the injury be wilfully done shall also forfeit a sum not exceeding twenty pounds; and any person who shall have in his or her possession any private key for the purpose of opening any cock, or who shall in any manner clandestinely or unlawfully appropriate to his or her own use any water from any public fountain or pipe, shall forfeit a sum not exceeding twenty pounds; and any person who shall open, or leave open, any cock of any public fountain or pipe or pump, so that the water shall or may run to waste, shall forfeit a sum not exceeding two pounds; and any person who shall wash any clothes, omnibus, carriage, cart, or other vehicle, or any horse or animal, at any public fountain or pump, shall forfeit and pay a sum not exceeding five pounds.

Injuring or extinguishing lamps.

3. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum of not more than one pound.

Trees and enclosures.

4. The Council shall have power to plant trees on the public streets and ways of the said Municipality; and any person who shall wilfully or without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, or in or upon any public reserve, or park, or place under the management of the Council, shall forfeit a sum not exceeding ten pounds.

Extirpation of noxious weeds.

5. Any owner or occupier of land within the Municipality of Gunnedah, who shall permit to grow or remain on the said land or upon the public streets or roads within a distance of twelve feet from the boundary line thereof any of the weeds known as "Bathurst burr," "Scotch thistle," "prickly pear," or any other noxious weed, and who shall fail to extirpate or destroy the same within thirty days after the receipt of a notice, in writing by post or otherwise, from the Council or proper officer of the Council so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds.

Throwing dead animals, &c., into any river, water-course, &c.

6. Any person who shall throw or cast any filth, rubbish, or any dead animal, or any animal, with intent to drown the same, into any river, water-course, water-hole creek, or canal, or who shall suffer or permit slops, suds, night-soil, sewerage matter, or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast in any river, water-course, water-hole, creek, or canal, or shall obstruct or divert from its channel any sewer or water-course, river, creek, or canal, shall forfeit any sum not exceeding five pounds, and shall in addition to any such forfeiture pay the cost of removing such filth or obstruction or of restoring such water-course, river, or canal into its proper channel.

Throwing filth on roadway, &c.

7. If any person shall, in any street, road, lane or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be on any carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any foot way, any waggon, cart, dray, sledge, or other carriage, any wheel-barrow, or truck, or any cask, or shall wilfully lead, drive, or ride any horse or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds.

Placing goods, &c., on roadway, &c.

8. If any person shall set or place, or cause or permit to be set or placed, any stall show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any cask or vessel in or upon or over any road, footway, or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid or placed, any coach, cart, dray, barrow, truck, or other carriage, upon any footway, or if any person shall set or place, or caused to be set or placed, in, upon, or over any of the said carriage or foot ways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever from any house or premises over any part of such footways, or carriage ways, or over any area of any house or premises, or any other matter or thing from and on the outside of any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed, or cause to be removed, any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time therein-after again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except aforesaid), in, upon, or over any of the carriage or foot ways of or next unto any streets or roads, as aforesaid,—in every such case every person so offending shall forfeit a sum not exceeding two pounds: Provided that any person may place a movable awning in front of their premises: Provided also that such awning shall be at least eight feet high above the proper level of the footway and be erected to the satisfaction of the Council or proper officer thereof.

Drawing or trailing timber, &c.

9. If any person shall haul or draw, or cause to be hauled or drawn, upon any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way, so as to occupy or obstruct the street or road beyond the breadth of said carriage, every such person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds.

No turf, gravel, &c., to be removed from streets without leave, &c.

10. Any person who, from any part of the roads, streets, thoroughfares, reserves, or other lands or public places, shall remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, reserves, or other lands, or public places, or who shall wantonly break up or otherwise damage a part of the said roads, streets, thoroughfares, reserves, or other lands, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds. The driver of any vehicle shall, for the purpose of this By-law, be held and taken to be owner thereof, until the contrary be shown.

No driver to ride on vehicle without a person to guide his beast (vehicle with reins excepted), or to go to a distance from his vehicle, or drive on wrong side, &c.

11. If the driver of any cart, waggon, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided with reins only excepted), or if the driver of any carriage or vehicle whatsoever shall wilfully be at such a distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare that he cannot have the direction or government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle shall not drive on the left or near side of such road, street, or thoroughfare; 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 road, street, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, or vehicle, or carriage, in or upon the same, every such driver or person so offending shall forfeit and pay for every such offence a sum exceeding two pounds.

Name and place of abode, &c.

12. The owner of every such waggon, cart, dray, or vehicle of any kind as last above mentioned, who shall allow the same to be driven through the said Municipal District of Gunnedah without having his name and place of abode painted in full length on the off side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid who shall refuse to give his and the owner's name and address, shall forfeit and pay for every such offence a sum not exceeding two pounds.

Lights on vehicles, bicycles, &c.

13. Every person whilst driving, leading, or riding upon any cart, carriage, van, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal through any part of the Municipality between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the off side of such cart, van, waggon, buggy, or other vehicle; and every person riding a bicycle, tricycle, or velocipede, shall carry a lamp affixed to such bicycle, tricycle, or velocipede in a conspicuous position, under a penalty of ten shillings for the first offence, and for every subsequent offence not more than ten pounds.

As to riding or driving improperly through streets, &c.

14. Any person who shall ride or drive through any road, street, or public place negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds.

Riding or driving round corners, &c.

15. Any person who shall ride or drive round the corner of any street, road, or public place, within the said Municipality, at a pace faster than a walk, shall on conviction forfeit and pay a sum not exceeding two pounds for every such offence.

16. No person shall be permitted to erect any house, shop, or other building with a frontage to any street, lane, or thoroughfare within the Municipality without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall, at the time the said notice is given as aforesaid, pay to the Council Clerk a fee of five shillings for permission to erect any such house, shop, or building with a frontage to any street, lane, or thoroughfare within the said Municipality; and every owner thereof and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without such notice having been given shall forfeit and pay for every such offence any sum not exceeding two pounds.

Affixing placards on walls and chalking thereon.

17. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, or to deface any such wall, fence, house, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof; and any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding ten shillings.

Swine, &c., not to wander about streets.

18. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any public place or street in the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or under his charge to stray or to go about, or to be tethered or depastured in any street, road, or other public place within the Municipality, shall forfeit and pay for every such offence a sum not exceeding two pounds.

Restriction on certain trades, &c.

19. It shall not be lawful for the business of soap boiler, tallow melter, tanner, currier, pig keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to any of the inhabitants thereof, to be commenced or established within the limits of that portion of the Municipality, to be defined from time to time by resolution of this Council, without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay on conviction a penalty not exceeding fifty pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

20. Any person who shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of five in the morning and eleven o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and watertight vehicles or carts, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth in, or upon, or near to any of the streets, roads, public places, or foot-

ways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter, nearer to any street, road, or dwelling-house, than shall from time to time be directed by the Council, or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council or Inspector, shall upon conviction forfeit and pay for every such offence a sum not exceeding five pounds; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Inspection of premises, yards, &c., to be kept clean.

21. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbourhood, or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose. An owner or occupier of any house or place within the said Municipality who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance by offensive smell or otherwise shall forfeit and pay a sum not exceeding two pounds.

Discharging firearms, &c.

22. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds.

Entrances to cellars, &c., to be covered, &c.

23. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the basement or cellar story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar flap belonging to or connected with his premises, save and except only during reasonable time for use, alteration, or repairs; or if such owner or occupier shall not repair and from time to time keep in good and substantial repair all and every or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall, for every such offence, forfeit and pay the sum not exceeding five pounds.

Cellars or openings beneath footways prohibited.

24. It shall not be lawful for any person to make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place, within the said Municipality, except by permission of the Council; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

25. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof and any public place, road, street, or footway within the limits of the said Municipality, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction, such persons shall forfeit and pay a sum not exceeding ten shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavement.

26. Any person who shall stamp, stain, paint, write or post any advertisement or notice upon any footway or kerbstone within the Municipal District of Gunnedah shall be liable to a penalty not exceeding two pounds.

Offensive or indecent placards.

27. Any person who shall, in any street or public place within the Municipal District of Gunnedah, post, write, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character shall be liable to a penalty not exceeding ten pounds.

Musicians to move on.

28. Any street musician or vocalist who shall not, when requested by any householder within the Municipal District of Gunnedah, or his servant, or by any officer or servant of the Council of the Municipality aforesaid, or by any Police officer, depart from the neighbourhood of the premises of such householder, shall be liable to a penalty not exceeding two pounds.

Persons not to stand or loiter in streets.

29. All persons standing or loitering upon any of the carriage-ways, footways, or other public places in the Municipal District of Gunnedah, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Municipality, or by any Police officer, shall be liable to a penalty not exceeding two pounds.

Holes made for cellars, &c., to be enclosed, &c.

30. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place for the purpose of making any cellar or cellars, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up, or cause to be kept up and continued, any such enclosure, or shall not, when thereunto required by the said Council or officer thereof, well and sufficiently fence or enclose any such hole within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, then and in every such case the person so offending shall forfeit and pay for every such offence, and for every refusal or neglect, any sum not exceeding five pounds.

Excavations, &c., to be protected by fence or wall.

31. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or near to any public road or footpath within the limits of this Municipality, until the owner or occupier of the said property shall have erected a good substantial fence or wall, at the least 4 feet high, around such parts of the said property as adjoin such public road or footpath; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made shall forfeit and pay for every such offence a sum not exceeding five pounds. And all existing quarries, excavations, or precipices situated within the limits of this Municipality shall be closed and protected in the manner aforesaid, within one week after due notice to that effect shall have been given by the said Council; and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same, after notice as aforesaid, such persons so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

32. Every person who, in any street or other public place or passage within the said Municipality, shall commit any of the following offences shall, on conviction for any and for every such offence, forfeit and pay a penalty of not more than two pounds:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase, or any part of the carcase, of any slaughtered animal without sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).

Every blacksmith, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any footway to the annoyance of any person.

Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person in any street or public place within the said Municipality.

Unlawful games.

33. No games with dice, or other games of chance for money, prize-fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Municipality; and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum of not more than fifty pounds.

House of ill-fame.

34. Upon representation to the Council by two or more ratepayers that any house within the Municipality, and near the residence of such ratepayers, is of ill-fame, it shall be lawful for the Council to cause the resident of such house or premises to furnish to the Council a complete list of the names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or is upon consideration the Council considers the house to be one of ill-fame, they shall declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or upon any person residing or being thereupon, to discontinue or abate such nuisance within forty-eight hours of the receipt of such notice; and if such nuisance be not so abated the holder of such house or premises, or other person residing therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall on conviction thereof forfeit and pay any sum not more than twenty pounds; and if such nuisance be not abated within forty-eight hours after such conviction, the holder of such house or premises, or other person residing or being thereon as aforesaid, shall forfeit and pay for such second offence a sum of not more than fifty pounds.

Places of amusement to be licensed.

35. No dancing-saloon, bowling or skittle alley, shooting-gallery, or similar place of amusement (other than entertainments requiring to be licensed by law), shall exist or be established within the Municipality, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided; and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license; and the Council at its next meeting shall by resolution cause the said license to be cancelled or otherwise as may appear necessary or desirable; and any person or persons having already established such places of amusement, who shall not within thirty days after these By-laws come into force apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid without having obtained such license, shall forfeit and pay a sum of not more than twenty-five pounds.

Mode of granting licenses.

36. Applications for licenses aforesaid must be in writing, addressed to the Mayor and Aldermen, and must be endorsed by two householders, testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

37. Licenses shall be granted by resolution of the Council upon payment of license fees as follows:—For every license granted between the 1st January and 31st December, one pound one shilling. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of one pound one shilling.

Polluting water, reservoirs, &c.

38. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal (whether alive or dead), or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit, or suffer to run, or to be brought therein the water of any sink, sewer, drain, engine boiler, or other filthy, unwholesome, or improper liquid, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not more than ten pounds; and for a third and every subsequent offence, a sum not more than twenty pounds.

39. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Municipality, and to give notice to the owner or owners thereof, or to the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay, and the owner or owners thereof, or the owner or occupiers of the premises in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds, in addition to all legal and other expenses incurred in the proceedings, and in the removal and destruction of said nuisances.

PART V.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

1. No person shall carry on any nuisance or offensive trade within the said Municipality so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of "Noisome and Offensive Trades."

2. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint.—Inquire and Report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder and to his or her family, the Inspector of Nuisances or any other person or persons appointed by the Council shall make an inspection of the premises where such trade is alleged to be conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall

wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued or shall not be so conducted as that it shall wholly cease to be noisome and offensive within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not more than five pounds; for a second offence a sum of not more than twenty-five pounds; and for a third and every subsequent offence a sum not exceeding fifty pounds.

Mode of proceeding when a "Noisome and offensive trade" is about to be commenced.—Penalty.

4. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same; and the Council shall take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws, to any resident within the Municipality. And any person who shall in such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not exceeding fifty pounds.

Service of notice—Liabilities.

5. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced, or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Health.

Houses to be purified on certificate of two medical practitioners.

1. If, upon the certificate of any duly qualified medical practitioner, it appear to the Council any house, or part thereof, or the premises occupied in connection therewith, within the limits of the Municipality is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice, in writing, to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not more than ten pounds: Provided that each day during which such house shall, after such notice as aforesaid, remain uncleaned or unfumigated shall be a separate offence: Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

2. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith in the said Municipality, which then is or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let shall be liable to a penalty not exceeding fifty pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality, any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds.

Exposing infected articles.

3. Any person who shall expose, or cause to be exposed, in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds.

Rubbish or offensive matter, &c.

4. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds.

PART VII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or to any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds, and shall, at his own expense, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work; and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid, shall on conviction thereof forfeit and pay a sum not exceeding fifty pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council or officer thereof, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence, any sum not exceeding five pounds.

Water from roof, &c.

3. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain-water to fall from any roof, balcony, or other projection upon any street, road, lane, or footway, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rain water to be discharged by any pipe upon any such street, road, lane, or footway shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds.

Drains and footpaths.

4. No surface drain shall be made in any footpath, nor any pipes laid under or across the same, without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever, and any person who shall so offend shall forfeit and pay a sum not exceeding fifty pounds.

Drains for discharge of surface water from land.

5. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged to overflow any road, lane, or footway shall, within seven days next after the service of notice by the Council, abate such nuisance where possible; and in default of compliance with any such notice within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if, within seven days after such conviction, such owner or occupier shall still have failed to comply with such notice or be otherwise in default as aforesaid, he shall forfeit and pay a sum of not more than twenty pounds. And every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second or any future conviction, shall be guilty of a further offence within the meaning of this section.

Natural water-courses.

6. Any person who shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds.

7. That owners of houses or agents thereof who have laid pipes or drains to convey slops, suds, refuse, or dirty water of any kind whatsoever into the street, water channel, water-course, water-hole, river, creek, or canal shall construct a cesspit and charcoal filter of a design hereinafter mentioned to each house; such cesspit to be made according to plan and specification, to be seen at the Council Chambers; the said cesspit and filter to be constructed to the satisfaction of the Public Works Committee or other duly authorized officer. And any owner of such house or his agent who shall refuse or neglect to construct such cesspit and charcoal filter within seven days after receiving a written notice, signed by the Mayor or Council Clerk, or other duly authorized officer, shall forfeit any sum not exceeding five pounds. Should any owner of such house or his agent refuse or neglect to cleanse such cesspit and charcoal filter after twenty-four hours' notice from a duly authorized officer, he shall forfeit any sum not exceeding two pounds.

PART VIII.

*Preventing and extinguishing fires.**Fires or combustible materials, &c.*

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof), shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds; and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every such person who shall suffer any such fire, gunpowder, or other combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any sack of hay, corn, straw, or other produce, and place as or for the covering of any such stack, any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material in any building so as to endanger contiguous buildings, or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence, a penalty of not more than five pounds, and also remove such fence, stack, or covering, or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence, stack, covering, or inflammable material within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Burning shavings, &c., in streets.

3. Any person burning any shavings, or other matters or things, in any street, road, or public place, shall forfeit and pay a sum not exceeding two pounds.

Fireworks.

4. Every person who shall light any bonfire, tar barrel, or firework upon or within sixty feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks, or other combustible matter, by any artificial light, other than gas, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Every person who wilfully sets, or causes to be set on fire, any chimney, flue, smoke-vent, or stove-pipe herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

PART IX.

Planting trees.

1. The Council may, by resolution, annually place upon the estimates a sum of money to be expended in the planting and preserving of trees and shrubs in the public streets and recreation grounds within the Municipality, and from time to time determine what streets or recreation grounds shall be so planted.

2. The trees to be planted in the public streets shall consist of such as may be authorized by resolution of the Council, and such other trees in addition upon recreation grounds as the Council may determine.

3. The trees on the streets are to be planted on the footpath 2 feet from the outer edge of the kerbing, and 30 feet apart.

4. Provided that ratepayers may, with the approval of the Council, also plant trees on the streets in accordance with the preceding clauses.

PART X.

By-laws for the regulation and licensing of public carriers, carters, water-drawers, and public vehicles, omnibuses, cars, hackney-carriages, cabs, water-carts, drays, carts, or vans, and the drivers or conductors of passenger-carrying vehicles.

1. No vehicle shall ply or be used for hire within the Municipal District of Gunnedah, until and unless the same be duly licensed in the manner hereinafter described.

2. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the party requiring such license shall deliver to the Council Clerk a requisition in the form of Schedule hereunto annexed, marked with the letter A, duly filled up and signed; and, in case of drivers or conductors, shall obtain a certificate from two respectable ratepayers to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor or such officer as may be duly appointed for that purpose, is unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers therein, nor until the number of such vehicle be painted thereon on a plate or plates affixed thereon outside on the panel of each door of such vehicle or on such other place or places, and in such manner as the Mayor may direct.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereunto annexed, marked with the letter B.

5. Every license granted under these By-laws shall be under the common seal of the Municipal Council, and signed by the Mayor and countersigned by the Council Clerk, and shall be in force from the date of such license until the 31st day of December next ensuing, and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor desire, he may be permitted to substitute another for a period to be thereby specified by indorsement on the license, signed by the Mayor and countersigned as aforesaid.

6. For every such license there shall be paid to the Municipal Fund, annually the several rates set forth in the Schedule hereunto annexed, and marked with the letter C.

7. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of eighteen years, and no license under these By-laws shall be granted unless after seven days' notice.

8. All licenses shall be made out by the Council Clerk, and numbered consecutively.

9. The person in whose name a license shall appear to have been obtained, shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

10. The Mayor shall, as often as he may deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse, or horses, and if any such vehicle, harness, horse, or horses, shall at any time be found to be unfit for use, the Mayor may cancel the license of such vehicle.

11. The number of the license granted to every omnibus or car, in figures not less than four inches in height, and for every hackney-carriage or cab in figures not less than two inches in height and of proportionate breadth, white upon a ground of black shall be painted outside, on the panel of the door or doors of such vehicle, or on such other part or parts thereof as the Mayor may direct; and such numbers shall be kept legible and undefaced during all the time such vehicles shall ply or be used for hire at the expense of the licensee.

12. The number of the license of every hackney-carriage or cab on a card or plate six inches by three, painted or printed in clear legible figures, and the table fares fixed by the Council shall be affixed at the upper part of the front panel or in such other place or places inside of such carriage or cab as the Mayor may direct, at the expense of the licensee; and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.

13. No proprietor or driver of any licensed hackney-carriage or cab shall demand, receive, or take more than the several fares in the Schedule hereunder annexed, marked with the letter D: Provided that the sums so set forth may be varied from time to time by a resolution of the Municipal Council, as occasion may seem to them to require. Notice of such alteration shall be published in the Government Gazette and in a local newspaper.

14. So far as concerns fares in these By-laws any vehicle of whatever form or construction for which a hackney-carriage license has been taken out if drawn upon four wheels, shall be deemed to be a hackney-carriage, and if drawn upon two wheels a cab.

15. Carters (plying for hire) of water-carts, drays, carts or vans are to be registered at the Council Chambers, and receive a license upon payment of the rate set forth in Schedule C, hereunto annexed.

16. The name, place of abode, number of license, and the words "licensed cart," "dray," or "van," as the case may be, are to be painted in letters one inch long upon the right or off side of such cart, dray, or van, at the expense of the licensee.

17. Wherever the word vehicle shall be used in these By-laws the same shall be understood to apply to either an omnibus, a car, hackney-carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels, drawn by two or more horses; and a car a vehicle upon two wheels for which an omnibus license has been taken out; and a hackney-carriage shall mean a vehicle upon four wheels, drawn by two or more horses; and a cab, a vehicle upon two wheels for which a hackney-carriage license has been taken out; and the word "carters" shall be understood to apply to carts, drays, or vans plying for hire.

18. For every offence against the provisions of these By-laws, the offender shall be liable to and pay a penalty of not more than twenty pounds.

19. All penalties recovered under any of these By-laws shall be paid to the Municipal Council, to be appropriated towards the general revenue of the Municipality.

SCHEDULE A.

A requisition for a License.

To the Municipal Council of Gunnedah.

I, _____ residing at _____ street, within the Municipal District of Gunnedah, do hereby request that a license may be granted to me to _____ within the limits of the said Municipality.

Dated at Gunnedah, this _____ day of _____ 18 _____.

Description—

SCHEDULE B.

Form of license.

This is to certify that _____ of _____ street, Gunnedah, is hereby licensed to _____ from the day of _____ to the 31st day of December, 18 _____, inclusive, within the Municipal District of Gunnedah, subject nevertheless to all and every the By-laws and regulations in force relating thereto.

Given under my Hand and the Common Seal of the Municipal Council of Gunnedah, in the Colony of New South Wales, this _____ day of _____, 188 _____.

(L.S.)

Mayor.

Council Clerk.

SCHEDULE C.

A Table of Rates to be paid by the proprietors and drivers of licensed vehicles.

	On and after the first of January.	On and after the first of April.	On and after the first of July.	On and after the first of October.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For each omnibus, car, hackney-carriage, or cab.	1 10 0	1 2 6	0 15 0	0 7 6
For every water-cart, dray, cart, or van.	1 0 0	0 15 0	0 10 0	0 5 0

For every driver's or conductor's license for passenger-carrying vehicles for every year or part of a year, five shillings.

SCHEDULE D.

Rates and Fares to be paid for any hackney-carriage or other passenger-carrying vehicle, not an omnibus, plying within the Municipal District of Gunnedah; if drawn by one or more horses at the rate of one shilling per mile or for any part of a mile.

By-laws under the Nuisances Prevention Act 1875.

By-laws of the Municipal District of Gunnedah for the suppression of certain nuisances prejudicial to public health, and for improving the sanitary condition of the Municipality, in accordance with the provisions of the "Nuisances Prevention Act 1875."

1. Every person about to erect a closet or form a cesspit shall, before he shall commence any such work, give to the Council Clerk seven days' notice in writing of his intention, and of the proposed position of such closet or cesspit; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding five pounds.

2. No closet shall be erected or cesspit formed, except in such position as shall be approved of by the Council or by the Inspector of Nuisances or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house, nor at a less distance than twenty feet therefrom, if the area will permit, nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house.

4. No cesspit shall be less than three feet six inches in diameter in the clear, by four feet deep; the closet or superstructure to be placed two-thirds over the pit so as to leave one-third of an opening for cleaning out, such opening to be covered with a slab or stone. Any person who desires to cement the pit and make it water-tight shall be at liberty to do so.

5. Every closet shall be built with walls seven feet high and shall not be less than three feet six inches wide and four feet six inches long, and shall be provided with a door capable of being fastened on the inside and shall have ventilating holes four and half inches wide.

6. When two or more closets adjoin each other there shall be a brick or stone dividing wall of not less than four and a half inches in thickness between every two closets, and each wall shall extend from the bottom of the cesspit through to the roof of the closet so as to effect a complete separation.

7. A separate closet shall be provided for every tenement; and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

8. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by four cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve.

9. In schools or factories, or other places of business, where a number of persons exceeding twelve shall reside, or be occupied or employed, one closet shall be provided for every twenty persons with a capacity of not less than eighty cubic feet, and separate closets shall be provided for each sex.

10. If any alterations shall be requisite in the opinion of the Inspector of Nuisance, or any other officer appointed by the Council in that behalf, for preserving public health or decency in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days' notice to remove or alter the same, and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same shall be.

11. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality, except as allowed by the Council.

12. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of, or contractors with the Council, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

13. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

14. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and on being removed from the vehicles in which it is carried it shall be deodorized by chemicals or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

15. Any person desirous of erecting an earth closet shall be at liberty to do so, but all night-soil shall be removed therefrom once in seven days or oftener.

16. No person shall be at liberty to use on his premises any night-soil.

17. The owner or occupier of any house, building, passage, yard, or premises within this Municipality, shall cause the yard and ground adjoining or belonging thereto, to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

18. Any person allowing night-soil to fall from any closet into any street, shall forfeit and pay a sum not exceeding twenty pounds.

19. Any person wilfully allowing filth of any kind, or accumulation thereof, or any substance or substances from which noxious effluvia arises, to remain upon his premises, shall be liable to a penalty not exceeding five pounds.

20. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Municipality, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay; and the owner or owners thereof, or the owners or the occupiers of the premises in default, and on

conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of said nuisances.

21. If at any time the cesspit, or dry-earth closet, on any premises shall overflow, the owner or occupier shall, within twenty-four hours, give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

22. The Council may recover, and the owner or occupier of the premises shall pay, such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

23. The Inspector of Nuisances shall be furnished annually with a list copied from the rate-books of the Council, showing the names of owners and occupiers of all household property or business premises within the Municipality, the list to be furnished within three months after the filling up of the said rate-book in each year.

24. The Inspector of Nuisances shall be provided by the Council with a supply of printed forms of notices or other documents (as by the Act prescribed) from time to time when required for service upon the owners or occupiers of premises.

25. The Inspector of Nuisances shall obtain from the contractor or night-man a list showing the names of occupiers or owners of premises where water-closets have been emptied, and the situation of such premises, and shall submit the said list to the Council quarterly, viz., at the end of March, June, September, and December in each year, with a view of carrying out the 10th section of the "Nuisances Prevention Act."

26. The Inspector of Nuisances shall report to the Mayor for the time being, or to any authorized officer of the Council, when any water-closet is connected with any drain or sewer, and take such action as may be directed by the said Mayor or officer with a view of carrying out the purposes of the Act.

27. It shall be the duty of the Inspector of Nuisances to report the existence of any gutter, drain, or filthy premises that may be brought under his notice, and take such action as may be directed by the Mayor or other authorized officer of the Council, in accordance with the provisions of the "Nuisances Prevention Act."

28. It shall be the duty of the Inspector of Nuisances to furnish the Council every three months with a list of the persons who have been proceeded against and fined for nuisances within the Municipality, together with the dates and amounts of such fines respectively.

29. The owner or occupier of any premises within the Municipality, or any other person who shall erect upon his premises any closet or cesspit otherwise than in accordance with these By-laws, or who shall refuse to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

30. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act 1875," shall have the like meanings assigned to them as are provided in the 4th section of the said Act.

By-laws for regulating the removal and deposit of night-soil.

In pursuance of the powers given in and by the "Nuisances Prevention Act 1875," to Municipalities in the Colony of New South Wales, to which the provisions of the said Act shall have been extended, the Municipal Council of Gunnedah do hereby order that the following shall be the By-laws to be observed for regulating the removal and deposit of night-soil from closets and cesspits within the said Municipality.

Interpretation.

1. By these By-laws "night-men" means and includes any and every person employed by the Council to remove, or assist in removing, night-soil from cesspits or earth-closets, whether as servants of the Council or as contractors thereunder, or as servants of such contractor. "Night-cart" means any vehicle used by any night-man for the purpose aforesaid. "Depôt" means a depôt for the deposit of night-soil.

Night-soil depôts.

2. Such depôts as shall from time to time be named by resolution of the Council shall be depôts for the disposal of night-soil.

Unauthorized persons not to act as night-men.

3. No person shall act as night-man or drive any night-cart within the limits of the Municipal District of Gunnedah, unless such person be authorized so to do by the said Council.

Certificate.

4. Such authority shall be evidenced by a certificate under the hand of the Mayor and Council Clerk, which shall contain the name and place of abode of the holder, and shall be duly numbered and registered; such certificate shall be according to the form in the Schedule to these By-laws.

Revocation of certificate.

5. Any such certificate may be revoked, cancelled, or suspended at the will of the said Council, and thereupon such authority shall cease.

Change of abode to be notified.

6. Any authorized night-man changing his place of abode shall within two days after so doing attend the Council Clerk, who shall note the change upon his certificate and register the same.

Certificates to be carried and produced.

7. Every night-man whilst engaged in removing night-soil, or in driving any night-cart, shall carry with him his certificate, and shall produce the same when required by any officer of the Council or member of the Police Force of New South Wales. No night-man shall on any pretence part with or lend his certificate to any other person.

Night-carts to be numbered, registered, and properly lighted.

8. All night-carts shall be numbered and registered by the Council Clerk, and shall be examined by the Inspector of Nuisances or other officer appointed in that behalf, who shall certify to the Council Clerk if the same be fit for use. Every night-cart shall have its number, with the word "Night-cart," conspicuously painted on the right or off side in letters of white on a black ground. Every contractor's night-cart shall have in addition the owner's name and address so painted; and every night-cart whilst in use shall carry two lighted lamps with the number legibly painted on the glass of each, and such lamps shall be affixed, the one to the front and the other to the back of the cart.

Night-carts to be made water-tight and covered.

9. Every night-cart or vessel used in the business of a night-man shall be kept by the owner thereof water-tight and free from leakage, and shall be provided with a proper covering so as to effectually prevent the dropping, splashing, slopping, or spilling of anything carried therein.

Hours for emptying cesspits, &c.

10. No person shall empty any privy, cesspool, or remove any night-soil within the Municipality, or shall permit or suffer such to be done, or shall use or drive or permit or suffer to be used or driven, any night-cart or other vehicle for that purpose except between the hours of eleven o'clock at night and five o'clock in the morning, or shall put, place, leave, spill, or cast out any night-soil in or upon any of the streets or public places of the said Municipality, or shall not carefully sweep up and cleanse every place in which any offensive matter is slopped or spilled: Provided that before commencing such work it shall be the duty of the night-man to report his intention so to do to the Inspector at least twelve hours before commencing such work.

Night-soil not to be brought into the Municipality.

11. No person shall bring or convey any night-soil to any depôt within the limits of the said Municipality from any place beyond the said limit.

Night-soil to be buried.

12. Every night-man shall upon arriving with his cart at the depôt make or cause to be made a pit or trench five feet in depth and of sufficient length and width to allow of a deposit of night-soil one foot six inches in depth; and all night-soil shall be buried in accordance with the agreement for the removal and depositing of the same between the contractor and the Council, and no offensive matter shall be permitted or placed in any place but that provided by the Council.

13. For every certificate under these By-laws there shall be paid to the Council Clerk the following fees:—

	£	s.	d.	
For every night-cart	1	0	0	per annum.
For every master's certificate	0	10	0	" "
For every labourer's certificate	0	2	6	per quarter.

Particulars to be given at Inspector's Office.

14. Every licensed night-man, when he shall use any night cart or vessel for the removal of any night-soil or other offensive matter, shall within twelve hours after the performance of such work report to the Inspector or other officer appointed in that behalf, at his office, the name of the occupier of the premises and the name of the street in which such premises are situated where he has been so employed, and also state the place where the contents of such night-cart or vessel were deposited.

15. For every offence against any of the provisions of these By-laws the offender shall upon conviction forfeit and pay a penalty not exceeding twenty pounds.

SCHEDULE.

39 Victoria No. 14.

Night-man's Certificate No.

Name

Address

Employed as (contractor, labourer, or driver)

This certificate is in force from _____ to _____
 Given and registered at the Council Chambers, in the Municipal District of Gunnedah, this _____ day of _____, A.D. 18 _____

Mayor.

Council Clerk.

Made and passed by the Council of the Municipal District of Gunnedah, this 28th day of March, in the year of our Lord one thousand eight hundred and eighty-seven.

(L.S.)

JOHN JAMES SMYTH,

Mayor.

R. R. PRITCHARD,
 Council Clerk.

1887-8.

NEW SOUTH WALES.

**MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.**
(MUNICIPAL DISTRICT OF TUMUT—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 22nd June, 1888.

TUMUT MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Tumut, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BY-LAWS FOR THE MUNICIPAL DISTRICT OF TUMUT.

BY-LAWS made and passed by the Council of the Municipal District of Tumut for regulating the proceedings of the said Council, the duties of their officers and servants, for compelling residents to keep their premises clean, and generally for the proper government of the Municipality, in accordance with the requirements of "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875."

Meetings of Council.—Ordinary meetings.

1. The Council shall meet for the despatch of business at the hour of half-past seven p.m., on every alternate Tuesday, unless such days shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Mayor may appoint.

2. If the Mayor shall be absent at the expiration of twenty minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a Chairman: Provided always that, if the Mayor shall afterwards attend, such Alderman shall leave the Chair, to be taken by the Mayor.

3. Whenever any meeting shall lapse or be adjourned for want of a quorum, the names of the members present shall be recorded by the Council Clerk.

4. The business of each ordinary meeting shall be transacted in the following manner, viz. :—

- 1st. Reading and confirming minutes of previous meeting or meetings.
- 2nd. Petitions (if any) to be presented and dealt with.
- 3rd. Correspondence to be read and dealt with.
- 4th. Reports from Committees and minutes from the Mayor to be presented and ordered upon.
- 5th. Questions as to matters under the jurisdiction or within the official cognizance of the Council to be put and replied to.
- 6th. Motions on notice to be dealt with in their respective order.
- 7th. Orders of the Day, which shall comprise all business set down for the day by order of any previous meeting or necessarily arising out of the proceedings of a former meeting, the Council may, by resolution, take any particular matter out of the regular order on the business paper.

Business at special meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Aldermen at whose instance such special meeting shall have been called may have directed.

Notices of motion, &c., to be numbered as received and preserved until matter disposed of.

6. All notices of motion, &c., for consideration at general meetings shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as they are received, and entered on the business paper according to their number; and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of: Provided, however, that the person giving or forwarding any such notice of motion, &c., shall be at liberty to withdraw the same at any time before the making of the business paper.

Business paper for special meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to members.

8. The summons to members of the Council for every meeting thereof shall be prepared on the business paper for such meeting, and shall embody the substance of such business paper.

How business paper disposed of.

9. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

After business paper made up, all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions as to which entries have been made thereon, shall be

the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and amendments—Motions how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper; and, if not so moved or postponed, shall be struck off such business paper, and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Aldermen by whom such notice shall have been given, unless by some other Alderman, producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—Further amendment may be moved thereon.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on; provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No discussion shall be permitted on any motion for adjournment of the Council; and if upon the question being put on any such motion the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Orders of the Day.

Of what Orders of the Day shall consist.

20. The Orders of the Day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor, or any Committee of the Council, shall have directed to be entered on the business paper for consideration.

Petitions.

21. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. The Council may at any meeting resolve, without previous motion, that any petition be received, and that the same be referred to a Committee for report, or that the requests therein contained be granted.

Correspondence.

Duties of Mayor as to correspondence.

22. The Mayor or presiding Alderman shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as, by section 21 of this Part of these By-laws, is imposed upon Aldermen presenting petitions, and shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman.

Letters sent not to be discussed, but every letter may be subject of motion.

23. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or by any officer of the Council, and copies of which may be read to such Council: Provided, however, that any notice of motion consistent with good order may be entertained with reference to any such letters, whether read or not.

Reports from committees and minutes from the Mayor.—Form of report.

24. All reports from Committees shall be written on foolscap paper, with a margin of at least one-fourth of the width of such paper; and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's minute.

25. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of the same kind and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

26. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, and that its consideration stand an Order of the Day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if any order for the consideration of such report or minute shall have been entered among the Orders of the Day, and such motion or order may, if otherwise objectionable, be moved or considered in due course.

And whenever any such report or minute embodies any recommendation which cannot legally be carried without any due notice, and it is, nevertheless, desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper and to give such due notice.

Questions and Statements.

Limitations as to questions and statements.

27. No question or statement shall be allowed to be put or made which is inconsistent with good order or is not in strict accordance with the requirements of these By-laws.

Notice to be given.

28. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

No discussion on questions, &c.—Rights of objection and of subsequent motion reserved.

29. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put or such reply or refusal to reply is given, or such statement is made.

Aldermen to stand while speaking, &c.

30. Every Alderman shall stand while speaking and shall address the Chair; and all the members of the Council shall, on all occasions when in such Council, address or speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be; and no Alderman shall be interrupted while thus speaking unless for the purpose of calling him to order.

Aldermen not to speak more than ten minutes.

31. No Alderman shall speak twice on any motion or amendment without the consent of the Council, except when in Committee or in explanation where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply: Provided that no Alderman speak upon any motion or amendment for a longer period than ten minutes.

Mover and seconder.

32. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but any Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

33. No Alderman shall digress from the subject under discussion, or shall make any personal reflections on, nor impute improper motives to, any other Alderman.

Adjournment of debate.

34. A debate may be adjourned to a later hour of the day or to any other day specified, and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the debate.

Privilege of Mayor or Chairman.

35. The Mayor or Chairman shall have the same privilege as any other Alderman in making or seconding a motion, and have the right of speaking on any subject or amendment introduced. The Mayor shall rise when so speaking, but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

36. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Aldermen using offensive expressions to apologise.

37. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively, to any Alderman, the member so offending shall be required to withdraw such language or expression and to make an apology satisfactory to the Council.

Mayor, &c., may call member to order.

38. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Points of order.

39. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order, and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, unless such decision shall be questioned by any Alderman, when the sense of the majority shall be taken without discussion.

Decision of points of order.

40. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case without discussing or commenting upon the same.

Power of Council as to laying down general rules, &c.

41. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion on notice respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or of practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties unless and until it be rescinded, but shall have no retroactive operation: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

42. The Mayor or Chairman shall put to the Council all questions of which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon, and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

43. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative, and then in the negative, and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protests to be recorded, but may, under certain circumstances, be expunged.

44. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the Minute-book but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such cases the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committees.

45. There shall be three Standing Committees—the Finance, Improvement or Works, and By-law Committees; and each such Committee shall consist of three Aldermen, and may be called together at any time by direction of any one member of such Committee.

These Committees shall be re-appointed every year, at the first meeting of the Council which shall be holden after the election of the Mayor.

Committee of Works.

46. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and bridges under the care and management of the Council, with the exception of any reserves set apart or dedicated by the Government and Executive Council for recreation or other public purposes. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

47. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to effect, or to be likely to effect, the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

By-law Committee.

48. The By-law Committee shall prepare for the consideration of the Council drafts of all such by-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the by-laws and of any statute of which the operation has been or may be extended to the Municipality, and shall take such steps as may be necessary for the prevention or punishment of offences against such by-laws or statutes, and for the preservation of public health, order, and decency.

Rules to be observed in Committees.

49. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Special Committees.

50. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may, for the time being, have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee; or he may propose that such Committee consist of a certain number of members, to be appointed by ballot. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committees, such Mayor or Chairman shall so decide.

Chairman of Committees.

51. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Records of transactions in Committees.

52. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Reports from Committees.

53. All reports upon Standing Committees to be presented in writing and signed by the Chairman or any two members of such Committee. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction by a minute in writing.

Calls of the Council.

How calls may be ordered.

54. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Mode of proceeding—Such call compulsory in certain cases.

55. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 56 of this "Part" of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

56. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

57. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses—Expenses authorized to be reported—Outlay to be in accordance with the orders of the Council.

58. For emergent matters, and for necessary expenses during the intervals which may elapse between the meetings of the Council, outlay to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of ten pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Committee of Works or the Mayor.

All claims to be examined and reported upon by Finance Committee.

59. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim—Salaries and wages to be payable on Mayor's order—Certificates to be attached to report.

60. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee or Mayor, showing that the demand is a legitimate one and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers, employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to such officer, servant, or labourer, and the order of such Mayor for payment of such amount shall be a sufficient authorization for such payment.

Common seal and records of the Council—Common seal and press—how secured, care of same.

61. The common seal, and the press to which the same is attached, shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and care of the Council Clerk.

When and how common seal to be used.

62. The common seal shall not be attached to any documents without any express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, or by two Aldermen, and countersigned by the Council Clerk.

How books of account, &c., to be kept.

63. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers, in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same, but the Mayor or Council Clerk may for any special purpose authorize their removal.

Books, &c., not to be shown or exposed to view without leave.

64. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor. Any member or officer who shall commit a breach of this section shall be liable, on conviction, to a penalty of not less than ten shillings nor more than two pounds: Provided always that the rate books shall at all reasonable times be open for inspection by ratepayers.

Records not to be removed.

65. Any person removing any such book, paper, or record from the Council Chambers, without leave from the Mayor or Council Clerk, in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same, as the circumstances of the case may warrant.

Penalty for destroying or defacing records.

66. An person destroying or defacing, or wilfully or improperly altering any books, papers, or records, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Officers and Servants.

Notice to Candidates.

67. No appointment to any permanent office at the disposal of the Council shall take place until notice shall have been given, as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

68. Every such appointment shall be made by ballot in such mode as may at the time be determined upon.

Bonds for good conduct.

69. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of the Council Clerk.

70. The Council Clerk shall attend at the office of the Council for the purpose of transacting the ordinary business of the Council on every Tuesday from 2 to 4, and on every Friday from 10 to 12 a.m.

71. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-law made thereunder, shall perform the following duties, namely:—

1. Attend all Council meetings.
2. Attend all Committee meetings.
3. Attend all Courts of Revision and Appeal.
4. Attend the members of Council to all Council or Committee meetings.
5. Take notes of all meetings, and prepare reports of all Committees.
6. Conduct all correspondence ordered by the Council under the direction of the Mayor, and give all other officers instructions, as directed by the minutes.
7. To see that all accounts are audited, and the balance-sheet duly submitted twice a year, within the times specified by law.
8. To see to the gazetting of all By-laws and necessary advertisements.
9. To see that the assessment books and the Municipal Lists and Rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment to electors prior to the election.
10. Make all necessary arrangements for the elections, preparing all paper, &c., for presiding officers and poll clerks.
11. Prepare all bonds of officers, see that the guarantees are given, and arrangements duly signed, &c., and reports sent to the Council.
12. Advise with the officers from time to time as to their duties, and the mode of carrying them out.
13. See that all levels and names of streets have been duly advertised as provided for by law, and authenticated by the Mayor's signature.
14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
15. He shall likewise have charge of all records of the Council, except such books or documents as may be entrusted to any other officer of the Council; and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.

Duties of other officers or servants.

72. The duties of all officers and servants of the Corporation in addition to the duties which by the present or any other By-laws thereunder he may be required to perform, shall be defined by such regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

73. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information, by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such return or statement, explanation, or information, already given and on record, or unless the Council shall have expressly forbidden and dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanations or information may be either rendered *viva voce* or put into writing, as the Mayor may direct.

Complaints against officers.

74. All complaints against officers or servants of the Corporation must be in writing, addressed to the Mayor, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or which is anonymous. And such complaint as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Miscellaneous.

Leave of absence.

75. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of Council, adopted after due notice.

Mode of calling for tenders.

76. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work, or the supply of such material, shall be called for by public notice, as hereinafter provided.

Draft of intended By-laws.

77. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

Motions for rescission of previous order, &c.

78. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time negating such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been remitted to the Government for confirmation, and may have been remitted to the Council with suggested amendments of the same; or the passage, after due notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

79. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration shall in such case be resumed at the next meeting at the point where it was interrupted.

Suits and prosecution for penalties, &c.

80. Such suits or informations for the enforcement of penalties for or in respect of breaches of the "Municipalities Act of 1867," or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Municipality, as may have been directed by the Council, shall be so commenced or laid by the solicitor of the Municipality, or by any officer named by the Council for that purpose, imposing the penalty sought to be enforced. And no suit shall be brought or information laid as aforesaid against any member of the Council, or auditor or servant, except on an express resolution of the Council.

How notices are to be published.

81. In all cases where the public notice is or shall be required to be given by any By-law, such notice shall be given and published by advertising the same in some newspaper circulating in the Municipality.

Power to suspend temporarily any portion of these By-laws.

82. Any of the foregoing By-laws which relate to or affect the proceedings at meetings of the Council may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and enforcement of rates—Times and modes of collection.

Collection of rates.

1. All rates levied or imposed by the Council under the provisions of the "Municipalities Act of 1867," and for the purposes mentioned in the said Act, shall be collected half-yearly, and each rate shall be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Rates to be paid at office of Council Clerk.

2. All rates made and authorized by the Council shall be paid at the Council Chambers of the Municipality, or at any other place appointed by the Council, at such hours and on such days as the Council shall from time to time appoint.

Unpaid rates.

3. The Council Clerk shall prepare, at such times as he may be ordered by resolution of the Council or the Mayor, a list of the names of all persons whose rates are unpaid at the expiration of the time fixed for the payment of the same, and the Mayor shall take immediate proceedings, either by summons or by the issue of distress warrants against defaulters.

Bailiff.

4. The bailiff shall be appointed by resolution of the Council, and shall be, at any time, removable by a like resolution, and shall find two sureties of £25 each for the faithful discharge of the duties of his office.

Levy and distress.

5. The bailiff shall make all levies and distress, under warrant signed by the Mayor, in the form of Schedule marked A hereunto annexed, and shall be paid for every such entry and levy made under these By-laws the fees as per Schedule B annexed hereto.

Making a distress.

6. At the time of making a distress the bailiff shall forthwith make out an inventory, written in the form and to the effect of the Schedule annexed hereto marked C, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident in the place where the distress has been made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress has been made, and the bailiff shall deliver a copy of such inventory to the Council Clerk, for the information of all parties concerned.

Bailiff to enter upon land, &c.

7. It shall be lawful for the bailiff, and such assistants as he may require, to enter into any part of the land, building, tenement, or other property in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods thereon or therein, and to remain in such building, tenement, or other property in charge thereof; and if the sum for which distress shall have been made or taken shall not be paid on or before the expiration of five days, it shall be lawful to sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises, or at such other place within the Municipal District as the said bailiff may think proper to remove them for such purpose; and the surplus (if any) that may remain after deducting the sum distrained for, together with the expenses attendant upon such distress, shall be paid over, on demand, to the owner of the goods so sold: Provided always that nothing herein contained as to the time of sale shall apply to any crop of cereals, fruit, or vegetables which may be growing at the time when such distress shall be made.

Bailiff may impound.

8. The bailiff, when making a distress as aforesaid, may impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such places or in such part of the land or premises chargeable with the rate as shall be most fit and convenient for that purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days hereinbefore mentioned, to come and go to and from such place or part of the said land and premises where any distress shall be impounded and secured as aforesaid, in order to view and buy and to carry and remove the same on account of the purchaser thereof.

Goods how to be sold.

9. The owner of any goods so distrained upon may, by writing, direct and specify the order in which they shall be successively sold, and the said goods and chattels shall, in such case, be put up for sale, according to such direction.

Proceeds of sale to be paid to Council Clerk.

10. The bailiff shall hand over to the Council Clerk all proceeds of such distresses as soon as possible after such sales; also the copy of every inventory and account of every such sale or sales.

Bailiff may appoint deputy.

11. The bailiff, with the sanction of the Mayor, may authorize one person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the bailiff himself, but the bailiff and his sureties shall in every case be responsible for the act of such deputy.

Costs.

12. There shall be payable to the bailiff, for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereto marked C.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipal District of Tumut, do hereby authorize you, _____, bailiff of the said Municipal District of Tumut, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of £ _____, being the amount of Municipal rates due to the said Municipal District of Tumut, to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 18 ____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand and seal of the Mayor of the Municipal District of Tumut, dated _____, distrained the following goods and chattels in the dwelling-house or in and upon the land and premises of _____, situate at _____, within the said Municipal District of Tumut, for the sum of _____, being the amount of rates due to the said Municipal District of Tumut, to the _____ day of _____ 188 ____

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making where the sum is not more than twenty pounds	2	0
Above that sum, in addition, for every pound	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of day	5	0
For sale, in commission, and delivery of goods per pound on proceeds of the sale	1	0

PART III.

Preventing and extinguishing fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction, for every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a second offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit, on conviction, for every such offence, a penalty of not more than five pounds; and fails to remove such fence, stack, or covering within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a second offence against this By-law.

Setting fire to matter without notice.

3. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house or other building, or boundary or dividing fence, within the said Municipality, without having given notice in writing to occupiers of land adjoining the land upon which such matter is, that it is his or her intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall, for every such offence, forfeit a sum not exceeding five pounds.

Fireworks.

4. Every person who shall light any bonfire, tar-barrel, or firework upon or within ten yards of any public or private street, or any public place, or shall discharge any firearms without lawful cause, within one hundred yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Every person who wilfully sets, or causes to be set, on fire any chimney, flue, smoke-vent, or stove-pipe, herein called a "chimney," shall forfeit a sum not exceeding five pounds.

Burning shavings, &c., in the street.

6. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, or who shall, within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Placards not to be affixed on walls without consent.

7. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or other erection, or deface any such wall, house, fence, or erection, with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall pay a sum not exceeding twenty shillings nor less than five shillings.

Licensed water-carts.

8. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises, or other property be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as shall be required by the Mayor, or by any Alderman, or officer, or person duly authorized by the Council in that behalf, and then present, for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section shall forfeit a sum not exceeding five pounds.

9. There shall be paid out of the funds of the Municipality to the owner of every licensed water-cart, who shall have attended with water at the place of any such fire, as hereinafter provided, and delivered the same as required, such reasonable compensation as the Council shall have appointed in that behalf, and also to such owner of such cart as shall have first in order attended with loads of water at the place of such fire such further sum by way of reward as the Council may have determined.

10. The Council shall from time to time license to ply within the Municipality such carts for the carrying and sale of water as shall upon inspection be found fit for that purpose; every such cart or vessel contained therein for the holding of water for sale shall be capable of containing not less than fifty gallons, and shall have the name of the owner and the words "Licensed Water-cart" painted on such cart in legible letters.

11. Every such license shall be issued on the written application of the owner thereof, in which application shall be set forth the name and surname and place of abode of the applicant; and for every such license there shall be paid to the Council the sum of two shillings and six-pence; and every such license shall be in force until the 31st December next ensuing after the granting of said license.

12. Any person hawking or carrying water for sale or hire otherwise than in a licensed water-cart as aforesaid shall upon conviction be liable to a penalty not exceeding one pound.

PART IV.

Streets and public places—Public health and decency, &c.—Streets, &c.

New roads to be reported on.

1. No new public road, street, way, reserve or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or reserve shall have been examined by the Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

2. When any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, reserve, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council, and the proprietor or proprietors shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Committee for Works, and such instrument of dedication shall also be preserved as a record of the Council.

Committee for Works to fix street levels, &c.

4. The Committee for Works, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage and foot ways thereof; and it shall be the duty of such Committee, officer, or person to place posts at the corners or intersections of any such public roads and streets, and of the carriage-ways and foot-ways of such roads and streets, wherever the same may be considered necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street, or way until the same shall have been submitted to and adopted by the Council as hereinafter directed.

Change of street levels.

5. Whenever it may be deemed necessary to alter the street level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chambers for fourteen days, for the information and inspection of rate-payers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection, and no objection thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Noxious weeds.

6. All owners or occupiers of property within this Municipality shall remove and burn all kinds of thistles, Bathurst burr, or other noxious weeds, upon lands owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this by-law, after fourteen days' notice from any officer of the said Municipality requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than twenty shillings, and not exceeding five pounds.

No turf, gravel, &c., to be removed from streets without permission.

7. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, or any road scrapings or sweepings in or from any part of the carriage or foot way of any street or any other public place within the said Municipality, without leave first had and obtained from Council, or who shall wantonly break up or otherwise damage any such carriage or foot-way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

8. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipality for the purpose of making any vault or vaults, or the foundation or foundations to any house or building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner to the satisfaction of the Committee for Works of the said Municipality, or shall keep up, or cause to be kept up and continued, any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining footways to be enclosed, under penalty.

9. Every owner or occupier of any house, building, or premises or land within the said Municipality having any entrance area, garden, or other open space, or any vacant building lot, waterhole, or excavated space, adjoining the foot-way of any street or public place in such Municipality, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall in like

manner protect and guard the same by fences, rails, or other enclosure, so as to prevent the like danger to persons passing and repassing; and on failure thereof, every such owner or occupier shall, as often as he or she shall be convicted of such offence, forfeit a sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such fences or other enclosures as aforesaid shall be deemed guilty of a further offence against this By-law.

Cellars or openings beneath the surface of footways prohibited.

10. No person shall be permitted to have any cellar or any opening, door, or window, in or beneath the surface of the footway of any street or public place within the said Municipality; and any person offending against this By-law shall, on conviction, forfeit and pay any sum not exceeding five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window.

Wells to be covered over—Penalty.

11. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or foot-way within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or foot-way within the limits of the said Municipality, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay a sum of twenty shillings, and for every day after such notice that such well shall remain open or uncovered contrary to the provisions thereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

12. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law either by travelling on street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

13. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such vehicle or barrow so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum not more than forty shillings, nor less than five shillings, over and above the damage occasioned thereby.

Driving carriages, &c., on footways, and throwing filth, &c.

14. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing, in or upon the carriage-way or foot-way of any street or other public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said foot-ways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow, hand-barrow, or truck, or any hogs-head, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast, upon any such foot-way, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence.

Rain not to be carried on to foot-paths.

15. It shall not be lawful for any person whomever to carry, by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the foot-ways of any street or public place within the said Municipality, or any owner or occupier of such house or

premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any officer of the Council, shall on conviction forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the owner or occupier of any such house or premises may convey any such rain-water by means of pipes laid under the surface of such foot-ways into the gutters adjoining the same. And provided also that such pipes shall be laid down to the satisfaction and under the superintendence of the officer appointed by the Council.

Placing carriages, goods, &c., on the footways—Not removing when required—Replacing the same after removal—Not to prevent awnings being erected in front of shops.

16. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot way in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading and unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot way, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other buildings or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things being thereto required by the Inspector of Nuisances or other proper officer of the Council, or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matter or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed or put out, the same or any of them, or any other stall, board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid) in, upon, or over such carriage or foot way of or next unto any such street or public place as aforesaid, shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound. Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his shop or house in such manner as that such awning shall be at least seven feet above the height of the foot-way, and that the posts be placed close to the kerbstone or outer edge of such foot-way, and a plan must be submitted to the Council prior to its erection.

Riding on drays, careless driving, &c.

17. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse or driver 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, that he cannot have the direction and government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; 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 by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

18. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Swine, &c., not to wander about the streets.

19. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within one hundred feet of any street or public place within the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place within the said Municipality, shall forfeit and pay for every such offence a sum not exceeding forty shillings, and to be made liable for damages.

19A. Any person or persons who shall within this Municipality drive horses or cattle loose at a pace faster than a walk, or who shall drive any cattle save milch cows or cattle in teams or working cattle, except between the hours of six o'clock in the afternoon and eight o'clock in the morning, shall, upon conviction, forfeit and pay a sum not exceeding forty shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

20. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling-house in the said Municipality shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same shall take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall, on conviction, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Public Property.

Injuring or extinguishing lamps.

21. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every expense any sum not less than one pound nor more than five pounds.

As to damaging buildings.

22. Any person who shall damage any building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the said Municipality, shall pay the cost for repairing the same, and if such damage be wilfully done shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Planting trees.

23. Upon any ratepayer applying to the Council to have trees planted opposite his or her premises, on any street or road within the Municipality, and such ratepayer paying to the Council the sum of ten shillings for each tree, the Council may direct the Works Committee to have such trees planted at the cost of the Council.

Damaging trees.

24. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any trees, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

25. That the owner or occupier of any land situate on the side of any street or road in this Municipality who shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any path or footway on the side of any such street or road, so as to obstruct the passage thereof, and who on demand made by the Council, or their Overseer or Inspector, shall not cut, or cause to be cut, lopped, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at least, the said Council and their servants, labourers, and workmen may cut, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose, the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall, on conviction, for every such offence forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

26. Any person who shall injure any public fountain, pump, cock, water-pipe, or any other thing connected with the preservation of supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds nor less than one pound; and any person who shall bathe and wash himself, or shall wash any clothes or other articles at or in any reservoir, channel, fountain, or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid, shall forfeit and pay any sum not exceeding one pound nor less than five shillings.

Obstructions.

Dead animals, &c., not to be thrown into any public places, reserves, watercourses.

27. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, creek, or canal, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises over any of the footways or streets within the Municipality of Tumut, or shall cause or permit or cause by means of pipes, shoots, channels, or other contrivances, filth of any kind whatever to flow into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds.

Drains, &c.

28. All drains whatsoever, and the water-closets, earth-closets, privies, cesspools, and ash-pits within the Municipality of Tumut shall be constructed so as not to be a nuisance or injurious to health, and so as that there shall be no overflow, soakage, or leakage therefrom; and every cesspool within the said Municipality, which shall be formed or made below the surface of the ground shall be also constructed so as that the watertight walls or sides thereof shall project on all sides at least six inches above the surface of the ground in which such cesspools shall be formed or made.

Private passages, yards, ways, and premises.

29. All private passages, yards, right-of-ways, and other premises within the Municipality of Tumut shall be kept in such a state, in respect of cleanliness, as not to be a nuisance or injurious to health.

Removal of house refuse.

30. The occupier of any house, building, or premises within the Municipality of Tumut shall cause the yard and ground adjacent or belonging thereto to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health, and shall cause all dust, mud, ashes, rubbish, filth, or other such refuse matter produced or accumulated on such premises to be collected in one place in such yard or ground, and to be kept there in an inoffensive condition, and so that the same shall not be productive of any nuisance, and shall cause all such refuse matter so collected to be from time to time removed from such yard, ground, or premises, as often as such refuse matter shall amount to a quantity equal to one cubic yard. And if at any time the occupier of any premises shall neglect or fail to have such rubbish or refuse matter so removed as aforesaid, the Inspector of Nuisances shall cause the same to be removed at the expense of such occupier. Nothing contained in this By-law shall be construed or taken to prevent the occupier of any premises from causing any manure, ashes, or other refuse matter as aforesaid produced or accumulated thereon to be kept for the purpose of being used for manure on any garden or on any land contiguous to such premises: Provided such manure, ashes, or other refuse matter shall not, previous to the removal thereof for use as manure on any garden or land as aforesaid, be kept not less than fifty yards from any dwelling house, shop, or other building, or so as to be a nuisance or injurious to health.

Cleansing of privy cesspools.

31. The occupier of every house, building, or tenement within the Municipality of Tumut shall cause every privy cesspool thereon to be emptied and cleansed from time to time so soon as any portion of the contents of such cesspool shall have so accumulated therein so as to be within a distance of one foot from the top of the wall, sides, or lining of such cesspool: Provided that the contents of any privy shall not be removed or discharged therefrom except between the hours of ten (10) p.m. and five (5) a.m. And provided also that the contents of any privy or cesspool shall not be removed or discharged therefrom until such contents shall have had mixed therewith a quantity of chloride of zinc, carbolic acid, common salt, or some other efficient deodorizer sufficient to effectually deodorize and disinfect the same.

Where cesspools are not provided.

32. The occupier of every house, building, or other tenement on or in which the privy or closet belonging thereto shall not be provided with a cesspool constructed in accordance with the provisions of the preceding By-law (No. 1) shall at all times cause to be kept in such privy or closet a supply of dry

powdered earth, ashes, charcoal, lime, or other material efficient for deodorizing night-soil, and shall cause all night-soil which may be deposited in any box, pan, bucket, or other receptacle in such privy or closet to be immediately, on the deposit thereof, covered with a quantity of dry powdered earth or other deodorizing material, as aforesaid, sufficient to thoroughly and effectually deodorize the contents of such bucket, pan, or other receptacle.

Stables, cow-sheds, and pig-styes.

33. The occupier of any land within the Municipality of Tumut on which there shall be erected any stable, cow-yard, cattle-shed, or pig-stye, shall cause such premises to be kept in such a state, in respect of cleanliness, as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and to be there in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure to be from time to time removed from such premises as often as the quantity of the same so collected or accumulated shall amount to two cubic yards. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid the same shall be removed by the Inspector of Nuisances at the expense of such occupier.

Deposit of rubbish, manure, &c.

34. No person shall deposit, or cause or suffer to be deposited, in or by the side of any street, or on any road, street, or right-of-way, lane, passage, water channel, or gutter, or in any creek, river, or reservoir, or in any other public place within the Municipality of Tumut (not being a manure depôt duly appointed by the Municipal Council of Tumut as a place for the deposit of manure, rubbish, or other refuse matter), any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit, or cause or suffer to be deposited, on any land, field, or garden within the Municipality of Tumut, any night-soil, blood, offal, or other offensive matter or thing, without the written consent of the Mayor or Council; and any such offensive matter or thing, which shall, with such consent of the said Mayor or Council, be so deposited shall be immediately on the deposit thereof covered over by the person depositing the same with such a quantity of earth as will at once prevent the escape of any noxious or offensive effluvia from any such manure, soil, or other offensive matter before mentioned. Provided that nothing contained in this By-law shall be construed or taken to prevent the use as manure for any garden or land of the contents of any earth-closet, or any other privy or closet where such contents are deposited on any such field or land in a perfectly deodorized state, and so as not to cause nuisance or offence either at the time of the deposit of such contents or afterwards.

Notice to proprietors.

35. Upon complaint being lodged at the Council Chambers that the yards, closets, or drains of any premises is or are a nuisance or offensive, and, after inspection, such shall be found to be the case, notice shall be given in writing to the proprietor or tenant of such premises to remove or abate such nuisance within forty-eight hours after such notice; and if, after such notice, the nuisance shall not be removed or abated, the proprietor or tenant of the said premises shall be liable to a penalty not exceeding twenty shillings, nor less than ten shillings.

36. Upon complaint being lodged at the Council Chambers, the Inspector of Nuisances may at all reasonable hours, with or without assistants, enter into and inspect any buildings, stall, or place kept or used for the sale of butcher's meat, and examine any carcass, meat, flesh, fish, or other perishable articles of food which may be therein, and in case any such articles shall appear to him to be intended for human food, but unfit, the same may be seized by him, and if it shall appear to a Justice of the Peace (upon evidence taken before such Justice) to be unwholesome, he shall order it to be destroyed, and the owner thereof, or other person in whose custody it was found, shall be liable to a penalty not exceeding forty shillings nor less than ten shillings.

Cleansing butchers' shambles, slaughter-houses, &c.

37. For preserving the cleanliness of the said Municipality, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, fellmongering establishments, and manufactories in the said Municipality, and to give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments and manufactories, both within and without, as to him shall feel needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery establishment, or manufactory, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Inspection of premises.

38. Upon the reasonable complaint in writing of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Various obstructions and annoyances.

39. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall, on conviction, for any and every such offence, forfeit and pay a penalty of not more than two pounds:—

Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description, from any opening, the house fronting any street, or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase or any part of the carcase of any newly-slaughtered animal, without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding from being thrown down.

Every person who shall throw or cast from the roof or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).

Every blacksmith, whitesmith, anchormith, nailmaker, metalfounder, limeburner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, and placing a screen before the same every evening within one hour after sunset so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

40. If upon the certificate of any two duly-qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the white-washing, cleansing, or purifying of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice, in writing, to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against Public Decency.

Bathing prohibited within certain limits.

41. Any person who shall bathe near or within view of any inhabited house or of any public wharf, quay, bridge, street, road, or other place of public resort, within the limits of the said Municipality, between the hours of seven in the morning and eight in the evening, shall, on conviction, forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of person.

42. Any individual who shall offend against decency, by exposure of his or her person in any street or public place, within the said Municipality, or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than two pounds.

Houses of ill-fame.

43. Upon representation of any respectable ratepayer that any house or premises within the Municipality, and near to the residence of such ratepayer, is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon noncompliance with such request, or if, upon consideration, the said Committee consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice; and if such nuisance be not so abated the holder of such house or premises, or other person residing or being therein, and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance be not abated within forty-eight hours after such conviction, such holder of such house, or such other person residing or being therein as aforesaid, shall forfeit and pay for every such second offence a sum not less than five pounds nor more than fifty pounds; and if a further period of forty-eight hours shall elapse after such second conviction, without the abatement of such nuisance, such holder of such house, or other person residing or being therein as aforesaid, shall for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

Common gaming-houses.

44. Upon representation of any respectable ratepayer that any house or premises within the Municipality is a common gaming-house, the Council shall inquire into the matter, and if, upon consideration, the Council shall be satisfied that the house or premises is a common gaming-house, then the Council shall declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice, and if such nuisance be not so discontinued or abated, the holder of such house or premises, or other person residing or being therein, and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house, or such other person residing or being therein as aforesaid, shall forfeit and pay for such second offence a sum of not less than five pounds nor more than fifty pounds; and if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house, or other person residing or being therein as aforesaid, shall for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

Definition of common gaming-house.

45. That a common gaming-house shall be any house, room, premises, or place as described in section 2 of 14 Vic. No. 9.

PART V.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of any inhabitant.

1. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "noisome and offensive trades."

2. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of or in connection therewith, or from the premises whence the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or discharged—which gas, vapour, or effluvia or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade," within the meaning of these By-laws.

Complaint—Inquire and report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

3. Upon the complaint, in writing, of any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property so as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, or of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the

said Council; and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or occupation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of the By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade, to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation as that, within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome or offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality; and if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence, a sum not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence, a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome and offensive trade" is about to be commenced.—Penalty.

4. The like proceeding shall be taken as aforesaid whenever there shall be a complaint as aforesaid that a manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome or offensive," within the meaning of these By-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to enter upon such manufacture, trade, calling, or operation, and shall require him, or her, or them not to commence or enter upon the same, or take such measures as shall effectually prevent the same from being "noisome and offensive," within the meaning of these By-laws, to any resident within the Municipality. And any person who shall, in such case, commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall in any way be "noisome or offensive," within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum not less than five pounds nor more than fifty pounds.

Service of notice—Liabilities.

5. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall actually be engaged in superintending, directing, or managing or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Miscellaneous.

Public Exhibitions, &c.—Exhibitions, &c., to be licensed.

1. No exhibition other than exhibitions licensed by the Colonial Secretary, under the provisions of the Act 14 Victoria No. 23, or exhibitions of a temporary character, specially provided for, shall be held or kept for hire or profit within the

said Municipality; nor shall any bowling-alley, skittle-alley, or other place of public amusement, other than a place licensed as aforesaid, or a place for temporary amusement, to be used as such for hire or profit, within the said Municipality, unless and until permission in writing be granted by the Mayor.

No Exhibition, &c., on Sundays, &c.

2. No such exhibition or place of public amusement as aforesaid, shall be held or kept open or used for the purpose of such public amusement on Sundays, Christmas Day, or Good Friday, and every person offending against this By-law in this behalf shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Wilful trespass.

3. Every person who shall wilfully let in, or knowingly suffer to enter upon, the reserves or public recreation ground, any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

4. Any person pulling down, destroying, defacing, or injuring any marks or any fence or other erection without the authority of the Council shall forfeit and pay any sum not exceeding ten pounds nor less than two pounds.

Erection of houses.

5. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the Municipality without first serving notice in writing on the Mayor or Council Clerk, on any lawful day, between the hours of eight o'clock a.m. and eight o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received any authority from the Mayor or Council Clerk, who will give the required level and alignment, if in a proclaimed street, on a payment of a fee of ten shillings. No person shall be at liberty to encroach beyond the building line in any street or lane by the erection of houses, verandahs, doorsteps, fences, or any other obstruction whatever.

Houses, &c., to be spouted.

6. All proprietors of houses within the Municipality having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with down-pipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings, on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty; also for every succeeding seven days.

Using bark for building in main thoroughfares.

7. No person shall erect any building of bark, or roofed with that material, or with calico, within the populous parts of the town, except by express permission of the Council, and then for a temporary purpose only. Any person so offending shall, on conviction, be liable to a penalty not exceeding ten pounds, to be recovered in a summary way, and shall be bound to remove the aforesaid building within such period as the Council may determine.

Made and passed by the Council of the Municipal District of Tumut, this 5th day of April, in the year of Our Lord one thousand eight hundred and eighty-eight.

(L.S.) ED. G. BROWN,
Mayor.

W. H. HILTON,
Council Clerk.

1887-8.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF WARATAH—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

[Colonial Secretary's Office,
Sydney, 17th April, 1888.

WARATAH MUNICIPALITY—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Waratah, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES

BY-LAWS for regulating the proceedings of the Council of the Municipality of Waratah and the duties of the officers and servants of such Council; for preserving order at meetings of the said Council; for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances and houses of ill-fame; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; compelling residents to keep their premises free from offensive or unwholesome matters; opening new public roads, ways, and parks; aligning and cleansing roads and streets; regulating the supply and distribution of water, sewerage, and drainage; preserving trees and shrubs; preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; preserving public decency; providing for the health of the Municipality and against the spreading of contagious or infectious diseases; restraining noisome and offensive trades; and generally maintaining the good rule and government of the said Borough.

PART I.

PROCEEDINGS of the Council and Committees—Preservation of order at Council Meetings—Duties of officers and servants, &c.

Meetings of the Council—Ordinary Meetings.

1. The Council shall meet for the despatch of business at the hour of 7-30 o'clock p.m., on alternate Mondays, unless such day shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed

to elect, from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any meeting for want of a quorum, the names of the members present shall be recorded in the minute-book.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the preceding last meeting to be read, corrected, if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any), to be presented and dealt with.
3. Correspondence to be read, and, if necessary, dealt with.
4. Reports from Committees, and minutes from the Mayor to be dealt with.
5. Questions, as to any matters, under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of its Committees or officers, to be made.
6. Motions of which notice has been given, to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper. Provided that it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

4. At Special Meetings of the Council the business, after the minutes shall been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meetings—how prepared.

5. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk, not less than forty-eight hours, nor more than four days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to the business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 3 of this "Part" of these By-laws, in the order in which such notice, requisition, or direction shall have been received.

Business paper for Special Meetings.

6. The business paper for a special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

7. The summons to members of the Council for every meeting thereof, shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

8. The business paper for such meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notice of motion, &c., to be numbered as received, and preserved until matter disposed of unless withdrawn before business paper made up.

9. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such clerk until after the matter to which it relates shall have been disposed of, and the record in the minute-book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 3 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up; all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and Amendments.**Motions—How to be moved.*

11. Except by leave of the Council motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck out and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper, shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

13. No motion in Council shall be discussed until it has been seconded.

Amendments may be moved.

14. When a motion shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed until it has been seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it has been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be discussed until the previous amendment or amendments shall have been disposed of.

Amended question.—Further amendment may be moved thereon.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any amended question shall be negatived, a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on; Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen, how to be dealt with.

20. Every requisition by an Alderman, that any particular matter of business be brought before the Council, shall be treated as a notice of motion by such Alderman, that such business be taken into consideration by the Council, and he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto, which shall be consistent with the notice of such business, and with good order. And if such Alderman be absent, or if, being present and so called upon, he shall make no such motion, then it shall be open to any other Alderman to make such motion. And when any such motion shall have been made it shall be dealt with in the same manner as if notice thereof had been given, subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business or with good order. And if no motion shall be made in reference to such business, the entry relating thereto shall be struck out of the business paper.

*Orders of the Day.**Of what orders of the day shall consist.*

21. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

22. Section 19 of this "Part" of these By-laws shall be considered applicable to orders of the day, and the Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that as to any order of the day entered as aforesaid, by direction of the Mayor, such Mayor may arrange with any Alderman to move, and may in such case call upon the Alderman with whom he has so arranged.

*Petitions.**Petitions to be respectfully worded.*

23. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

26. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 23 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent,

and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 26 to apply to letters.

27. Section 26 of this "Part" of these By-laws shall be equally applicable to letters addressed to the Council.

Letters sent not to be discussed, but every letter may be subject of motion.

28. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or by any officer of the Council, though copies may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council, which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Reports from Committees and minutes from the Mayor.

Form of Report.

29. All reports from Committees shall be written on foolscap paper, with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or in his absence, by some other member of the same.

Mayor's Minute.

30. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction, or official cognizance, by a minute in writing; every such minute shall be written upon paper of the same kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with—Duties of Chairman, &c., in certain cases.

31. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute or if an order for the consideration of such report a minute shall have been entered among the orders of the day, it may, if otherwise unobjectionable, be moved or considered in due course; and whenever any such report or minute embodied any recommendation, which cannot legally be carried out without such due notice, and it is nevertheless desirable that such report shall be definitely ordered upon during the meeting of the Council at which it is presented, it shall be duty of the Chairman or member of such Committee signing such report, or of the Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid as will enable the Council Clerk to make the necessary entry on the business paper and to give due notice.

Questions and Statements.

Limitations as to questions and statements.

32. No question or statements shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 3 of this "Part" of these By-laws.

Notice to be given.

33. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory.

34. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

35. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

36. Every such statement must be made without argument.

No discussion on question, &c., rights of objection and of subsequent motion reserved.

37. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made. Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion after due notice as hereinbefore provided, of any matters properly arising out of or relating to any such question or reply or refusal to reply, or any such statement as aforesaid.

Order of debate.

Mode of addressing the Council.

38. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose, address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question such question may by permission of such Mayor or Chairman, be put directly to the Aldermen or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to objection on the ground of disorder or irrelevancy, and all members of the Council shall, on all occasions when in such Council, address and speak to each other by their official designations as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted (if in order).

39. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order as hereinafter provided.

Offensive language.

40. If any Alderman whilst in Council shall make use of any offensive or insulting language, the words shall be written down, and he shall be asked to withdraw them. If he refuse to withdraw such language and apologise he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings nor more than five pounds.

Limitations as to number of speeches, &c.

41. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

Mover and seconder

42. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

43. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to, any other Alderman.

Adjournment of debate

44. A debate may be adjourned to a later hour of the day or to any other day specified, and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre audience on the resumption of the debate.

Mayor to decide as to pre-audience.

45. If two or more Aldermen rise to speak at the same time the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Alderman may require questions to be stated, &c., under certain restrictions

46. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter, which are readily accessible. Provided, however, that no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or materially to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bonâ fide* it shall not be complied with.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

47. The Mayor or Chairman shall not move or second any motion or amendment, nor put any question, as provided for by section 3 of this "Part" of these By-laws, except as is further provided for by the section 38 of the same. But such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of order.

Mayor or Chairman to decide points of order.

48. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

49. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any other language which, according to the common usage of gentlemen would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be deemed to be out of order.

Mayor, &c., may call member to order.

50. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order, whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any member may raise question of order.

51. Every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation, moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

52. A member called to order shall withdraw while the question of order is being discussed and decided on, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be re-opened: and provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

53. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Motions out of order to be rejected.—Members to explain, retract, or apologise, &c.

54. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

55. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 49 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology, as a majority of the

Alderman then present shall consider satisfactory, shall be liable, on conviction, for the first offence, to a penalty of not less than ten shillings, nor more than five pounds; and on a second conviction for the like offence he shall be liable to a penalty of not less than one pound, nor more than ten pounds; and on the third conviction and for every further conviction for the like offence, he shall be liable to a penalty of not less than two pounds, nor more than twenty pounds.

Power of Council as to altering rules on points of order.

56. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may thereafter arise. Any rule or principle thus laid down, shall be binding upon all parties, unless and until it be rescinded, but shall have no retrospective operation.

Mode of voting.

How questions are to be put.

57. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon, and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

58. Any Alderman shall be at liberty to call for a division, in such case the question shall be put first in the affirmative, and then in the negative, and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

59. Every member of the Council, the Mayor included, may protest against any resolution or vote by the Council; notice of the intention so to protest, must however be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book, but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may by resolution or notice be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committee of the whole Council.

Business in Committee.

60. The Business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council, as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Disorderly conduct in Committee.—Refusal to vote.

61. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 49 of this Part of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the minute-book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 53 of this By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute-book: Provided that, in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

62. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provisions of section 43 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried such decision shall be embodied in such report whenever the same shall be made.

How progress may be reported, &c.

63. Any Alderman may, at any time during the sitting of a Committee of the whole Council move that the Chairman report progress or no progress, as the case may be, and that leave be asked to sit again at a later period of the same day, or some other day, or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sitting, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

64. All reports of proceedings in Committee of the whole Council shall be made to the Council, *videlicet*, by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members, during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that, in making any such report as aforesaid, it shall not be necessary to report any such proceedings in *extenso*, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

65. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but, except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption, or for the granting of such leave. And every such motion for the adoption of a report, or for the granting of leave as aforesaid, and the order of debate on such motion shall be subject to all the same rules as other motions in Council, and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 61 of this "Part" of these By-laws, of disorderly conduct in Committee; or under section 58 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof, and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

66. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such call compulsory in certain cases.

67. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 56 of this "Part" of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

68. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered, such call shall be made as follows:—"The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

69. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who if absent and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds. Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of every such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

70. Besides any such special Committees as may from time to time be found necessary, there shall be three Standing Committees, namely, a By-law Committee, a Committee for Works, and a Finance Committee, each consisting of not less than three members. These Committees shall be re-appointed every year, at the first meeting of the Council, which shall be holden after the election of the Mayor.

Mode of re-appointing Standing Committees.

71. The re-appointment of the three said first-named Committees may, on resolution of the Council, be made by ballot. In such case a list or lists of the members for each ward shall be handed to each member then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong. And the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any one of such first-named Committee, such Mayor or Chairman shall decide which of such members shall be appointed to such Committee.

By-law Committee.

72. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough; and shall take such steps as may be necessary for the prevention of punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Work

73. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council, to inquire and report upon.

Finance Committee.

74. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect or to be likely to affect the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which in the opinion of the Council a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot, and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom in his opinion such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary through an equality of votes to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

76. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Committee meeting how called.

77. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

78. The Chairman of each Standing Committee shall make or cause to be made in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters cost of all work to be estimated before undertaken.

79. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

gent matters and necessary current expenses—Expenses authorized to be reported—Outlay to be in accordance with orders of the Council.

80. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of two pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor of any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

81. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.

82. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into.

Common seal and records of the Council.

Common seal and press how secured—Care of same.

83. The common seal and the press to which the same is attached, shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used.

84. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document such document shall also be signed by the Mayor or, in case of the absence of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

85. The Treasurer shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statement, and memoranda from time to time to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council, from time to time, any changes which such Committee may think advisable in the mode of keeping the accounts.

Impression of seal not to be taken, &c., without leave of Council.

Penalties.

86. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable, on conviction, for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence, to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence, to a penalty of not less than five pounds, nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.

87. Any person removing any such book or other record of the Council as aforesaid from the Council Chamber, or the place where, by direction of the Council, such book or other record is usually kept without leave for such removal having been first obtained from such Council or without other lawful cause for such removal, as hereinafter provided, shall for every such offence, be liable to a penalty of not less than ten shillings, nor more than ten pounds.

Penalty for defacing or destroying record.

88. Any person destroying, defacing, or altering any record of the Council shall, for every such offence, be liable to a penalty of not less than five pounds, nor more than fifty pounds.

Officers and servants.

Notice to candidates in certain cases.

89. No appointment to any permanent office at the disposal of the Council to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications from qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

90. Every such appointment shall be made by ballot in such mode as may at the time be determined upon, whenever there is more than one candidate for such permanent office.

Exceptional cases.

91. Nothing herein contained shall be held to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

92. All bonds given by the officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or the bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

93. The Council Clerk, in addition to the duties which, by the Municipalities Act of 1867 or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all records of such Council, except such books or documents as may (as hereinafter provided) be entrusted to any other office, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in the performance of his duties and in carrying out the orders of the Council.

Duties of Treasurer, &c.

94. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 87 of these By-laws, and shall be responsible for the safe keeping of the same; any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe keeping of such records.

Duties of other officers and servants.

95. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

96. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *vis à voce*, or put into writing as the Mayor may direct.

How complaints against officers, &c., are to be dealt with.

97. All complaints against officers or servants of the Corporation must be in writing and addressed to the Mayor, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any

complaint which is not in writing or is anonymous. All such complaints as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof, which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Miscellaneous.

Leave of absence.

98. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council, adopted after due notice.

Motions for rescission of previous orders, &c.

99. Wherever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion. Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage after due notice, as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

100. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

101. Such suits or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council, or by the By-law Committee, or by the Mayor to be commenced or laid shall be so commenced or laid as follows:—When against a member of the Council or an Auditor or any officer of the Corporation, by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; where against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no suit shall be brought, or information laid, as aforesaid, against any member of the Council or Auditor except by order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of such Council or of the Mayor; nor against any other person, except upon the order of the Council or of the Mayor or of the By-law Committee. And no such suit shall be directed to be brought, nor shall express resolution of the Council, in any case where the bringing of such suit, or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on its merits. Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of proceeding in cases not provided for.

102. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend temporarily certain portions of these By-laws.

103. Any of the foregoing By-laws, or any portion thereof which relate to or affect the proceedings at meetings of the Council, may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and enforcement of Rates.—Times and modes of collection.

Rates under section 164 to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164, Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by half-yearly instalments. Each such instalment shall, as to every such rate and every such instalment thereof, be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special Rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid upon the day or days so appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default either by action at law or by issuing warrants of distrant upon the goods and chattels of the defaulter.

Enforcement by Distress.

Bailiff.

6. A bailiff shall, when found necessary, be appointed by the Mayor.

Bailiff's Sureties.

7. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of twenty-five pounds each, for the faithful performance of his duty.

Duty of Bailiff.

8. It shall be the duty of the bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of Distress.

9. All levies and distress shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorised to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipality as the bailiff may think proper to remove them to for such purposes, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress the bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after making such distress.

Goods may be impounded.

12. The bailiff on making a distress as aforesaid, may impound or otherwise seize the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days, as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in or to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon, may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the Bailiff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked "C."

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Borough (or Municipal District), do hereby authorize you, _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, for _____, being the amount of rates due to the said Borough (or &c.), to the _____ day of _____, for the said dwelling-house (or land or premises, as the case may be), and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 18____. Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Borough (or &c.), of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____ within the said Borough (or &c.), for _____, being the amount of rates due to the said Borough (or &c.), to the _____ day of _____.

Dated this _____ day of _____, 188____. Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20 ...	2	0
Above that sum, in addition for every £1 ...	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale.....	1	0

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds; and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials, to remain of aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence or brushwood, brushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as, or for the covering of any such stack, any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds, and also shall remove such fence, stack, or covering, within a reasonable time after such conviction. And any person failing to remove such fence, stack, or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence under this By-law.

Fireworks.

3. Every person who shall light any bonfire, tar-barrel, or firework, upon or within sixty yards of any public or private street, or any public place; or shall sell gunpowder, squibs, rockets, or other combustible matter by gas, candle, or other artificial light, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

4. Every person who wilfully sets, or causes to be set on fire, any chimney-flue, smoke-vent, or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any Criminal Court for such act as for an indictable offence.

Negligently suffering chimney to be on fire.

5. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated, shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case is heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Setting fire to matter without notice.

6. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air within five yards of dwelling-house or other building or boundary or dividing fence within the said Municipality, without having given notice in writing to the occupiers of the land adjoining to the land upon which such matter shall be, of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five (£5) pounds.

Water carters to attend at fires.

7. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise; and shall if any building, premises, or property shall be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor, or by any Alderman or officer, or person duly authorised by the Council in that behalf, and then present, for extinguishing such fire; and every such owner or driver who shall without reasonable excuse fail to comply with the provisions of this section, shall forfeit a sum not exceeding five pounds.

Compensation for attendance at fires.—Rewards.

8. There shall be paid out of the Municipal funds to the owner of every licensed water-cart who shall have attended with any water at the place of any fire herein provided, and delivered the same as required for extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed in that behalf, and also to the owners of such carts as shall have first and second in order attended with loads of water such further sums by way of reward, as the Council may, by similar resolution, have fixed.

PART IV.

Notices, Streets, and Public Places—Public Health and Decency, &c.

Mode of calling for tenders.

1. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

2. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

How notices are to be published.

3. In all cases where public notice is or shall be required to be given by any By-law, of any appointment, resolution, act, order, or regulation of the Council or any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same in some newspaper circulating in the Municipality.

Persons obstructing officers of the Council.

4. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer, in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported upon.

5. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been formed by the proprietors to the reasonable satisfaction of the Committee of Works, or any duly authorized officer, or until the said road, street, way, or park shall have been duly examined and reported upon to the Council by such Committee or duly authorized officer.

Dedication of new roads, &c.

6. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to public use or recreation as aforesaid, as may be considered necessary by the Committee for General Purposes; and such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

7. Whenever it may be deemed necessary to alter the level of any such public road, street, or way, as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption and countersigned shall be a record of the Council.

Roads and streets and encroachments thereon &c.

8. The Committee for Works, or the surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and footways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, where practicable, to the plans which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Committee for Works, or surveyor, or other officer to place posts at the corners or intersections of such roads, streets, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriageway and 12 feet for the footway on each side where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place, until the same shall have been submitted to and adopted by the Council as hereinafter provided.

This By-law shall be read subject in all respects to "Width of Streets and Lanes Act of 1881" (45 Vic., No. 28).

Kerbing, flagging, and tar-paving.

9. The Council may cause the footway or pathway in front of any house or ground, along any street, private street, or lane, within the Municipality, to be kerbed and flagged or asphalted in such manner as the Council may think fit, that one-half the amount of the cost of kerbing be borne and paid by the owner of such house or ground, and one-half the expense of asphaltting be borne and paid by the said owner of such house and ground. Owners of property along Government roads within the Municipality where kerbed, shall have such flagging or asphaltting done free of cost. Such costs may be recovered from the owner of such house or ground in a summary way before any two Justices of the Peace. Provided also, that no proceeding for the recovery thereof shall be taken until at least one month after a requisition for payment of the amount together with an account of the total expenditure, signed by the Council Clerk, has been delivered to such owner.

Erection of house, fee for permission, &c.

10. No person shall be permitted to erect any house, shop, or other building, in any street, lane, or place within the said Municipality, without first serving seven days' notice in writing on the Mayor or Council Clerk, or other duly authorized officer, before commencing the same, stating his intention, setting out a plan, and giving particulars of the proposed building, and at the time the said notice is given, paying to the Council Clerk or other duly authorized officer, a fee of five shillings for permission to erect such house, shop, or other building, and every owner of, and every contractor for, such house, shop, or other building, or any part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Pipes, gutters, &c.

11. It shall not be lawful for any person to carry by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality, and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required to do so by any officer

of the said Council, shall on conviction forfeit and pay any sum not exceeding two pounds nor less than five shillings: Provided that the owner or occupier of any such premises or houses may convey any such rain-water by means of pipes laid under the surface of any such foot ways into the gutter adjoining the same, subject to the approval of the Committee for Works or other duly authorized officer.

No balcony, &c., to project.

12. With regard to buildings, hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-cornice, string-course, dressing, or other architectural decoration forming part of, or attached to, any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained. Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than thirty feet wide: Provided also that that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

13. The Surveyor or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last-known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

14. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in such case exceed the sum of ten pounds, or, at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds, nor be less than one pound, and in case of every successive offence the penalty on conviction not to be less than five pounds.

Or may proceed by action.

15. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-laws as aforesaid.

To apply also to obstructions by digging, &c.

16. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the surveyor or other officer as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the surveyor or officer, shall on conviction forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoards or fences to be erected.

17. Every person intending to build or take down any building within the limits of the Municipality, or to cause the same to be done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail; if there be room enough to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the officer of the Council of the said Borough during such time as the public safety or convenience requires, and shall in all cases in which it is necessary in order to prevent accidents, cause the same to be sufficiently lighted during the night; and any such person who shall fail to put up such fence or hoard, or platform, with such hand-rail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, keep the same sufficiently lighted in the night; or who shall not remove the same when directed by the officer of the Council of the said Municipality, within a reasonable time afterwards, shall, for every such offence, be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

18. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or footway of any street, or other public place within the said Municipality without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or footway, shall on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

19. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street or public place within the said Municipality for the purpose of making any vault or vaults, or foundation to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not first enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works of the said Municipality, or shall keep up or cause to be kept up and continued any such enclosures for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining the footways to be enclosed, under penalty.

20. Every owner or occupier of any house, building, premises, or land within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot, waterhole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over—Penalty.

21. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling-house or the appurtenances thereof and any road, street, or footway within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last-known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

22. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

23. Any person who shall haul or draw or cause to be hauled or drawn upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing, which shall be carried principally or in part upon any wheeled vehicle or barrow to drag or trail upon any part of such street or public place, to the injury thereof; or to hang over any part of any such vehicle or barrow so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Driving carriages, &c., on footways, and throwing filth, &c.

24. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood or other filth or annoyance, or any water or thing, in or upon the carriage-way or footway of any street or other public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or footways, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheel, wheelbarrow, handbarrow, or truck, or any hogshhead, cask, or barrel, or shall wilfully lead, drive, or ride, any horse, ass, mule, or other beast, upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle, refuse to give his name and address, the owner of the same may be prosecuted under this By-law for causing a breach of the same.

Placing carriages, goods, &c., on footways, &c.; not removing when required; replacing the same after removal.—Not to prevent awnings being erected in front of shops.

25. Any person who shall set or place or cause or permit to be set or placed any stall or board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever; or shall, hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or footway in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals, from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place or cause to be set or placed, in or upon or over any such carriage or footway any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed) or any other matters or things whatsoever; or shall hang out or expose or shall cause or permit to be hung out or exposed, any meat or offal or other thing or matter whatsoever from any house or other building or premises, over any part of any such footway or carriage-way, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises, or over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or cause to be removed, any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon or over any such carriage or footway of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound. Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such awning shall be at least seven feet above the height of the footway, and that the posts be placed close to the kerb-stone or outer edge of such footway.

Obstructing public pathways.

26. If the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council shall not cut, lop, or

cause to be lopped, all such trees, shrubs, or plants, to the height of ten feet at the least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut or lopped all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Slop, night-soil, &c., to be conveyed away only at certain hours.

27. Any person or persons who shall drive or cause to be driven any cart or other carriage with any night-soil or ammoniacal liquor therein through or in any street or public place within the said Municipality between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt or filth, in or upon any such street or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter, nearer to any street, road, or dwelling-house, than shall be directed by the said Council, or by the Inspector of Nuisances, or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling house, than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

28. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins only, excepted); or if the driver of any carriage whatsoever shall wilfully be at such a distance from such a carriage, or in such a situation whilst it shall be passing upon such street, that he cannot have the direction and government of the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; 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 by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

29. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Breaking-in horses, &c.

30. Any person or persons who shall in any street, road, or public place within the said Municipality, drive any carriage or carriages for the purpose of breaking in, exercising, or trying horses, or shall ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, or showing, or exposing for sale any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places shall forfeit and pay any sum not exceeding forty shillings; and any person who shall within the said Municipality furiously or carelessly drive any horse, mare, or gelding to or from any public watering-place, creek, or river, or pasturage, or elsewhere, shall forfeit and pay any sum not exceeding forty shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

21. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling-house in the said Municipality, shall give notice in writing twenty-four hours previously to the Council, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted, any rock within the limits aforesaid, without giving such notice or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

32. Any person who shall wantonly or maliciously break or injure any lamp or lamp post or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

33. Any person who shall damage any public building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, watercourse, or other public property within the said Municipality, shall pay the cost of repairing the same; and, if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty-pounds nor less than five pounds.

Affixing placards on walls, &c.

34. If any person or persons shall paste or cause to be pasted, or otherwise affix any placard or other paper, or chalk or paint upon any wall, fence, culvert, kerbstone, pathway, hand-rail, or any other property of the Council, shall forfeit and pay for every such separate offence a sum not exceeding five pounds or less than one pound.

Damaging trees.

35. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Nuisances.

Dead animals, &c., not to be thrown into any public watercourse, &c.

36. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, road, or pathway, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such watercourse, waterhole, river, creek, or canal, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever to flow into any public watercourse, waterhole, river, creek, or canal; or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds.

Dead animals.—Mode of removal.

37. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Hog-sties to be one hundred feet from streets, and animals suffered to stray, &c.

38. Any person who shall breed or keep, so as to be a nuisance, any kind of swine in any house, building, yard, garden, or other place situated and being within one hundred feet of any street or public place in the said Municipality, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, shall, on conviction, forfeit and pay any sum not exceeding forty shilling nor less than five shillings for such and every animal so bred, kept, suffered to stray or go about, or to be tethered or depastured in any such street, road, or public place as aforesaid; and the owner or occupier of any house or premises or other place within the said Municipality wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall, within the meaning of these By-laws, be deemed the owner of every such animal so bred, kept, suffered to stray or to be tethered or depastured in any such street or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place," wherein any kind of swine shall be bred or kept as aforesaid, shall respectively be deemed hog-sties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entire, geldings, mares, or foals; and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provision of these By-laws.

Cleansing butchers' shambles, slaughter-houses, &c.

39. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion to visit and in-

spect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments in the said Municipality, and to give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds, nor less than ten shillings.

Complaints respecting dirty premises, &c.

40. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of; and the officer of the said Council shall have the full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, in any cellar or place within any dwelling house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

41. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds:—

- (1.) Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any newly slaughtered animal, without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.
- (2.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath, to the danger or annoyance of any person.
- (4.) Every person who shall place any flower-pot in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).
- (6.) Every blacksmith, whitesmith, anchor-smith, nail-maker, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening, within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.
- (7.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
- (8.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.
- (9.) Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

42. If, upon the certificate of any two duly qualified medical practitioners, it appear to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the said Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may

be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith, within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against Public Decency.

Bathing prohibited within certain limits.

43. Any person who shall bathe near to or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposures of the person.

44. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Houses of ill-fame.

45. Upon representation of any respectable ratepayer that any house or premises within the Municipality, and near to the residence of such ratepayer, is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or if, upon consideration, the said Committee consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance; and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated, the holder of such house or premises, or other person residing or being therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall on conviction thereof forfeit any sum not less than two pounds nor more than twenty pounds. And if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house, or such person residing or being therein as aforesaid, shall forfeit and pay for such second offence a sum not less than five pounds nor more than fifty pounds. And if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house or other person residing or being therein as aforesaid, shall for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

PART V.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to injury of any inhabitants.

1. No person shall carry on any noisome or offensive trade within the said Municipality, so as to injure or be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "Noisome and Offensive Trades."

2. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquire and Report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such inquiry as may be deemed necessary, be of opinion that the said complaint

is well-founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome and offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid the same shall wholly and permanently cease to be noisome and offensive, within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for the third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "noisome and offensive trade" is about to be commenced.—Penalty.

4. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome or offensive," within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Inspector of Nuisances may take legal proceedings.

5. The Inspector of Nuisances or other person appointed by the Council may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Penalties to be paid over to Treasurer.

6. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

7. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipality of _____."

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary, under the provisions of the Act 14 Victoria No. 23, or exhibitions of a temporary character, hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such for hire or profit, within the said Municipality, unless and until permission in writing be granted by the Mayor.

Penalty for exhibiting, &c., without license.

2. Every person holding or keeping any such exhibition, or using any place within the said Municipality for public amusement as aforesaid, or causing or permitting such place to be so used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

No exhibitions, &c., on Sundays, &c.

3. No such exhibition or place of public amusement as aforesaid, shall be held or kept open or used for the purposes of such public amusement on Sunday, Christmas day, or Good Friday; and every person offending against this By-law in this behalf, shall on conviction forfeit and pay a sum not exceeding five pounds not less than two pounds for every such offence.

PART VII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever, or shall cause or permit or suffer to run, or to be brought therein the water of any sink, sewer, drain, engine or boiler, or other filthy, unwholesome, or improper water, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than ten shillings nor more than five pounds; and for the third and every subsequent offence any sum not less than one pound nor more than twenty pounds.

Wilful waste of water.

2. Whosoever being supplied with water by the Council from any waterworks, fountain or reservoir, or belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds; for a second offence any sum not less than one pound nor more than twenty pounds; and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct, or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural watercourse shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit and pay a sum of not less than twenty pounds, nor more than forty pounds; and if, within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting water from reservoirs.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks, or some watercourse leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds; for a second offence any sum not less than two pounds nor more than forty pounds; and for a third and every subsequent offence, any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person without notice to the Council, otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith without such notice, or otherwise than as aforesaid, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds.

Occupiers to repair and cleanse private sewers.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Drains for discharge of surface water from land.

3. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situate that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall, within seven days next after the service of notice by the Council for that purpose, construct and lay from such point upon such land being near to the footway, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain or trunk, as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid, or with the provisions of this section, such owner or occupier shall forfeit any payment not exceeding five pounds. And if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay any sum not less than one pound nor more than ten pounds; and for every further such offence he shall forfeit and pay any sum not less than two pounds nor more than twenty pounds. And every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future conviction shall be held guilty of a further offence within the meaning of this section.

PART IX.

Public Gardens.

Hours.

1. The gardens and other public places of recreation, under the management or control of the Council, and herein called "The Gardens" shall be open every day from 6 a.m. to 6 p.m.

Injury to things in gardens.

2. No person shall pluck any of the flowers, or walk on the beds or borders, or climb upon or get over the fences, or remove any of the tallies, or disturb, damage, or destroy any property or thing in the gardens.

Shooting, &c.

3. No person shall carry firearms through the gardens, or shoot, snare, or destroy any wild fowl, either in the gardens or in or on any water adjacent thereto, or bathe in any such water.

Driving carts, &c.

4. No cart or other vehicle used for the conveyance of goods shall, without the authority of the proper officer of the Council, be driven through the gardens.

Supplying plants, &c.

5. Such plants, seeds, or cuttings as are commonly purchasable at nurseries in New South Wales, shall not be supplied from the gardens to any persons, unless in exchange or for public institutions, or for benevolent purposes.

Behaviour, &c.

6. No visitor shall interrupt the gardeners or labourers by conversation or otherwise, or shall use any abusive, improper, or unbecoming language to any person, or otherwise annoy any such person, or behave in an indecent, improper, unbecoming manner in such gardens.

Children.

7. Children under ten years of age, not being under the control of some competent person, shall be removed from the gardens.

Dogs.

8. All dogs and goats and poultry found within the gardens shall be destroyed, and the owner shall make compensation for any damage done.

Penalties.

9. Any person offending against these By-laws shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than ten shillings nor more than ten pounds; and for a third and every subsequent offence, any sum not less than one pound nor more than twenty pounds, and any person may, in committing any such offence, be forthwith removed from the gardens by the proper officers of the Council, or by any of the gardeners or labourers employed in such gardens, without affecting the liability of such person so offending to be subsequently prosecuted for such offence.

PART X.

The Park.

owers as to number and description of stock lessee entitled to depasture

1. The Council shall from time to time as often as occasion shall arise, determine and declare the number and description of cattle and other stock any lessee or grantee shall have the right to depasture on the park or public recreation ground situate within the said Municipality.

Power to grant common of pasture

2. The Council shall, with the consent of the majority of Aldermen assembled at any meeting specially convened for that purpose, have power to grant to any person or persons or any number of different persons, for any period not exceeding twelve calendar months the common of pasture and right, title, advantage, and privilege of and to common of pasture and feeding of stock of into and upon the said park or public recreation ground situate in the said Municipality, and all manner of privileges, appendages, and appurtenances whatsoever in any wise thereunto belonging.

Power to distrain and impound trespassing stock.

3. The grantee or grantees, Inspector of Nuisances, or other proper officer of the Council, shall have power to distrain and impound any cattle or other stock found trespassing upon the said park or public recreation ground, and also to claim and recover such damages (not exceeding ten pounds) in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private lands in respect of animals found trespassing and doing damage upon the same.

Rights of Trustees.

4. That all and every the person or persons entitled under such grant or grants for the time being to the use of the said park or public recreation ground, shall have all the same rights and remedies between themselves and against strangers as by the laws of this Colony in relation to commons are possessed and enjoyed by commoners.

Wilful trespass.

5. Every person who shall wilfully let in or knowingly suffer to enter upon the said park or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary-marks.

6. Any person pulling down, destroying, defacing, or injuring any marks marking the limits of the said park or public recreation ground, or any fence or other erection thereon, without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for destroying herbage, trees, &c.

7. All persons who shall wilfully, and without the authority of the Council, cut, break, bark, root up, burn, or damage, the whole or any part of any tree, sapling, shrub, or under-wood, or the herbage growing in or upon the said park or public recreation ground, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in the use of park.

8. Any person who shall unlawfully cause any annoyance or inconvenience to any other person in the free use and enjoyment of the said park or public recreation ground shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Persons committing offences in neighbourhood of park.

9. Any person who shall be found committing any breach of any By-law affecting the said park or public recreation ground not expressly provided for in this "Part" of these By-laws, or who shall by disorderly or insulting conduct in the immediate neighbourhood of such park or public recreation ground, cause annoyance or inconvenience to persons on the said park or public recreation ground, or going to or coming from the same, may be removed by force by any ranger or other proper officer appointed by the Council, which officer shall have the power to call in the aid of the police, and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for trespass.

10. Any person who shall without the authority of the Council be found occupying any portion of the said park or public recreation ground, either by residing on or by erecting any tent, hut, or building thereon, or by clearing, digging up, enclosing or cultivating any part thereof, shall be liable on conviction to a penalty not exceeding ten pounds nor less than one pound.

PART XI.

Porters, &c.

No unlicensed person to ply as porter or barrowman.

1. No person shall ply for hire within the said Municipality as a porter or barrowman unless such person shall be the holder of a license from the Council.

Mode of obtaining license.

2. Any person desirous of obtaining such license shall make application in writing to the Council Clerk, accompanied by a certificate from two respectable persons, stating that he is of good character, and shall register his name and place of abode with the Council Clerk, and shall at the same time deposit with him the fee hereinafter mentioned.

Issue of license

3. Upon receiving such particulars and fee as aforesaid, the Council Clerk shall issue to such person a license in the form contained in the first schedule hereto, together with a ribbon or badge, marked with the words "licensed porter," and the number of the license thereon, and a printed copy of the table of rates contained in the second schedule hereto.

Porters, &c., to wear badge and carry license.

4. Every licensed porter or barrowman shall, at all times whilst plying for hire, wear and exhibit the said ribbon or badge, either on his hat or left arm, so that the same may be conspicuously shown; and shall also, at all times aforesaid, have in his possession his license, and the table of rates, aforesaid, and shall produce and show the same whenever called upon so to do by any employer, police officer, or Municipal officer.

License fees.

5. For every such license there shall be paid to the Council Clerk the fee of five shillings, and such license shall be in force to the end of the then current year.

Unlicensed persons not to use license, &c.

6. No person but the holder of such license shall use the same or ply thereunder, or wear the said ribbon or badge.

Table of rates.

7. The rates to be charged by porters and barrowmen shall be those mentioned in the second schedule hereto, and may be paid by time or distance, at the option of the employer.

Public stands.

8. Places shall be appointed from time to time by the Council as public stands for porters and barrowmen, and no porter or barrowman shall create a disturbance, or cause obstruction whilst waiting on any public stand.

Penalties.

9. For every offence against a breach of any of the foregoing By-laws, the offenders shall upon conviction be liable to a penalty not exceeding five pounds.

SCHEDULE I.

Form of Porter's License.

Borough or Municipal District of _____
 Porter's License, No. _____
 Name _____
 Address _____
 This license is in force from the date hereof to the 31st day of December, 18 _____
 Given under my hand this _____ day of _____,
 18 _____
 A. B., Council Clerk.

SCHEDULE II.

Table of rates for conveyance of goods by licensed porters and barrowmen:—

A.—Without truck or barrow.

By distance.

	s.	d.
For every load of goods conveyed to any distance not exceeding half a mile	1	0
For one mile	1	6
For every subsequent mile or part of a mile	1	0

By time.

One hour	2	0
Half an hour or less	1	0
Every subsequent hour	1	0

B.—With truck or barrow.

One half fare in addition to the above.

PART XII.

Hawkers.

Hawkers to be licensed

1. No person shall sell, offer, or expose for sale in any part of the Borough (or Municipal district) of Waratah, or except in the house or premises of the person so selling, offering, or exposing for sale, or in the markets or open spaces adjoining, any poultry, fish, vegetables, garden produce, game, tripe, bacon, cheese, eggs, fruit, pastry, ice cream, or green fodder without a license authorizing him to do so, signed by the Mayor, clerk of the markets, or other duly appointed officer of the said Municipality, and every such license shall be numbered and registered, and shall be in the form contained in the Schedule hereto and shall be in force for the term therein stated, and no longer.

Hawkers to carry license.

2. Every person licensed as a hawker shall, whilst engaged in hawking, carry the license so granted with him, and upon being required by any officer of the Municipal District, or police officer, produce and show the same.

Name to be painted on vehicle.

3. Every licensed hawker shall, whilst hawking, have affixed on some particular part of his cart, barrow, basket, vehicle, or dray, a board or plate bearing his name and the words "Licensed Hawker" legibly painted thereon in letters not less than one inch in length.

License fees.

4. The following fees shall be paid for such licenses:—

For hawking with hand-basket or dray, the sum of one shilling per week; with wheelbarrow, the sum of two shillings and sixpence per week; with vehicle drawn by horses or other animals, the sum of four shillings per week.

5. Any person offending against these By-laws shall for each offence upon conviction forfeit and pay a sum not exceeding ten pounds.

SCHEDULE.

Form of hawker's license.

Borough (or Municipal District) of _____
 Hawkets' License, No. _____

Name _____

Address _____

This license entitles the holder to hawk with hand-basket or tray (or with wheelbarrow, vehicles drawn by horses, &c., as the case may be) for the week ending the day of _____, 18 _____, inclusive.

Given under my hand this _____ day of _____
 A. B., Mayor (or &c.)

PART XIII.

The Market.

Market established.

1. (Name the market, and define its position; also, describe the portions into which it is to be divided, as, for instance, stalls in the interior of market buildings, and open space adjacent, for sale of cattle, fruit, hay, corn, and other produce, &c.) (a)

Market days.

2. The market shall be opened every day during the year, excepting on Sundays, Christmas Day, and Good Friday.

Time of opening.

3. The market shall commence by ring of bell at 5 o'clock in the morning, from the 1st of September to the last day of February, and at 6 o'clock during the rest of the year.

Time of closing.

4. The market shall be shut at sunset throughout the year, except on Saturdays and on the day previous to Christmas Day, when it shall remain open until half-past 10 o'clock in the evening.

Drunkenness, &c., in market forbidden.

5. No person shall go into or shall remain in the market drunk or shall be disorderly therein, or shall create any riot or disturbance, or curse or swear, or use any gross or indecent language, smoke tobacco or cigars therein.

Clerk of Market.

6. The Council shall appoint a Clerk of the Market, who shall have charge of such market under the supervision of such Council, and shall see that all By-laws made by the said Council in reference to such market are enforced. He shall find two sureties to the satisfaction of the Mayor to the amount of fifty pounds each for the faithful performance of his duty.

Preservation of order, &c.

7. The clerk of the market shall preserve order and regularity in such market, and may remove therefrom any person making a riot or disturbance therein, or guilty of cursing or swearing, or using any gross or indecent language, or offending against common decency, or being drunk, or smoking therein, or in any other way misconducting himself or herself.

Stall rents and security of market dues.

8. Every occupant of a stall in the interior portion of the market shall pay for the same such rent as may from time to time be fixed by resolution of the Council. No person shall be allowed to occupy any such stall until he or she shall have been licensed or authorised to occupy the same by the Council Clerk. All such licenses shall be issued by the said Council Clerk, under the supervision of the Mayor, who shall be at liberty, if he shall think fit, to require security to be given to his satisfaction, and to such an amount as he may deem necessary, for payment of market dues and tolls, before allowing such license to issue.

Stall rents to be paid in advance.

9. Before any person shall be allowed to enter into actual possession of any such stall, he or she shall pay to the clerk of the market one week's rent, without reference to the day of the week on which the payment shall be made; and on the Monday following he or she shall pay to the said clerk one week's rent in advance, and continue to do so in like manner every succeeding Monday; and in default of such payment in advance on every Monday it shall be lawful for the said Clerk, the next day after such default, to take summary possession of the stall or stalls in respect of which such default shall have been made, any license or authority to the contrary notwithstanding; and in such case the Council Clerk may, with the consent of the Mayor, cause a license or authority to be issued to any other person or persons to occupy the same: Provided always that whenever the Council Clerk shall issue such license or authority, the person previously occupying, and his or her sureties (if any) shall be liable only for such tolls or dues as shall at that time be actually due from such person so making default.

Sale of goods, cattle, and produce, in open space.

10. The open space hereinbefore described as shall be available for *bonâ fide* growers and producers of farm produce and breeders of cattle and their servants (but for no other persons) desirous of selling cattle or farm produce therein, provided they pay all tolls and dues herein required to be paid on such cattle or produce, and generally conform in other respects to these By-laws. Such persons shall take up their standing, and their carts, cattle, or other goods shall be placed in such order as the Council may from time to time direct. The term "cattle," as used in these By-laws, shall mean all horses, mares, geldings, foals, asses, mules, bulls, oxen, cows, calves, sheep, lambs, pigs, and goats. The term "farm produce," as so used, shall mean all poultry, eggs, butter, cheese, fruits, vegetables, grain, pulse, hay, straw, grass, and fodder. The term "cart" shall mean every cart, dray, waggon, or other vehicle used for the carriage of any such farm produce, &c.

Limits of sales in open space.

11. No person shall sell any produce in the open space, aforesaid, other than by the load, bushel, basket, box, case, package, or hamper.

Market dues.

12. There shall be paid to the Clerk of the Market by every person selling or exposing for sale in the said open space, for the goods or cattle brought to the same by such person for sale, the following dues, that is to say, for every horse, mare, gelding, foal, ass, or mule, the sum of one shilling; for every bull, ox, cow, or calf, the sum of one shilling; for every sheep, lamb, pig, or goat, the sum of one penny; for every load of hay or other farm produce, if drawn by one horse or other animal, the sum of one shilling, and if drawn by two or more horses or other animals, the sum of one shilling and sixpence; for every load of straw, if drawn by one horse or other animal, the sum of sixpence, and if drawn by two or more horses or other animals, the sum of one shilling; for every load of wheat, barley, oats, rye, peas, maize, or other grain, grass, or other green fodder, if drawn by one horse, or other animal, the sum of one shilling, and if drawn by two or more horses or other animals, the sum of one shilling and sixpence.

Payment of dues.

13. No person shall sell or expose for sale any cattle or farm produce as aforesaid, without having first paid the Clerk of the market any dues that may be demandable in respect thereof.

Clerk to inspect articles.

14. The clerk of the market shall inspect all articles exposed for sale in the market, and shall seize all bad and unwholesome articles, and cause the same to be destroyed.

Weighing by stallholder.

15. All weighing of goods by stallholders to their customers, must be performed within the stall, and no scales or weights shall be kept for this purpose outside the line of stalls.

No goods beyond line of stalls.

16. No occupier of any stall in the market shall place or cause or suffer to be placed beyond the line of stalls, and opposite his or her stall, any goods; and if so placed, he or she shall immediately remove such goods at the request of the clerk of the market.

Stalls not to be altered, &c.

17. No person shall write or cause to be written any name or notice over or on his or her stall in the market, or shall put any nails, hooks, or pegs in any part of the wood or stone work on such stall, without the consent or contrary to the directions of the clerk of the market, or shall refuse to take down any fittings to such stall when required to do so by such clerk.

No rubbish to be left in market.

18. No person shall sweep or cause to be swept any dirt or rubbish into any part of the market building, and allow it to remain there.

Provisions as to cleansing.

19. The holder of any stall in the market shall, on every morning, within an hour after the ringing of the bell, cleanse such stall and the space in front thereof, to the satisfaction of the clerk of the market.

Articles to be weighed, if required by the buyer.

20. Every person selling or offering for sale any articles in the market shall, if required so to do by the buyer, cause the same to be weighed or measured by the weights and scales or measures provided by the Council, and the clerk of the market shall weigh or measure the same, and shall, for so doing, be paid the following charges:—

Carts to be weighed at one of the machines erected by the Council.

21. The driver of every cart shall, at the request of the buyer or seller of such goods, or his agent, take such cart, with or without the loading thereof, to the weighing machine provided by the Council, and shall permit the same to be weighed, and if such cart be weighed with its load, thereupon the driver shall, if required, take such cart after its load has been discharged, to such weighing machine and permit to be re-weighed without such load; and if any such driver shall, for the purposes aforesaid, be required, to take such cart a greater distance than half a mile, including the going to and returning from such machine, the owner of the cart shall be paid for every horse which he used in drawing such cart sixpence for the first half-mile and a like sum for every additional half-mile; and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid, for the purpose of having it weighed; and for every cart so weighed there shall be paid to the clerk of the market, or to the keeper of such weighing machine, the following charges:—

Penalty on drivers for refusing to take carts to be weighed, &c.

22. The driver of any such cart who shall not, upon being so requested as aforesaid, and having such payment made or tendered as aforesaid, take the same to such weighing machine as hereinafter directed, or who shall refuse to assist in the weighing of the same, shall forfeit and pay any sum not exceeding twenty shillings.

Penalty on other persons committing frauds as to weighing.

23. Every person who shall knowingly commit, or assist in committing, any fraud in or respecting the weighing or measuring of any articles, or the weighing of any cart, or of the loading thereof as aforesaid, shall for every such offence forfeit and pay any sum not less than one pound nor more than ten pounds.

Cattle-driving, &c.

24. No person shall drive into or through the market any cattle after the hours of seven of the clock in the forenoon, during the months of May, June, and July, and six of the clock in the forenoon during the rest of the year, nor before twelve of the clock at night during the whole year, except such as are bridled or haltered and ridden or led singly, and sheep, pigs, and goats, and calves, and foals under the age of one year.

Animals to be removed from carts.

25. Any person coming to the market with a load of goods in a cart or other carriage shall, before the opening of the market, or if arriving there after, within twenty minutes after such arrival, take the animal or animals drawing such cart or other carriage out of such cart or other carriage.

Penalties.

26. Every person who shall be guilty of any offence against any section of this "Part" of these By-laws to which no specific penalty is attached, or shall refuse or neglect to obey any injunction in any such section, shall for every such offence or act of disobedience or neglect, forfeit and pay any sum not more than forty shillings.

PART XIV.

Under "Nuisances Prevention Act 1875" (a).

By-laws of the Borough (or Municipal District) of Waratah, made under and for carrying into effect the provisions of the "Nuisances Prevention Act."

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall, before he shall commence to erect such closet or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Borough (or, &c.) of Waratah a notice in writing of the intention of such person to erect such closet, or form, excavate or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, exca-

vated, or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said Borough without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Borough (or, &c.) or other officer for the time being appointed by the Council of the said Borough (or, &c.) in that behalf), he shall forfeit and pay a penalty of not more than five pounds nor less than one pound. (b)

2. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by the Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet, or to form, excavate, or make any such cess-pit without having obtained the approval of the said Inspector or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

3. Every cesspit to be constructed within the Borough (or, &c.) shall be built of nine-inch brickwork, set in cement, floor as well as walls, and the top of such cesspit shall be at least six inches higher than the highest part of the surface of the ground immediately adjoining such cesspit, and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than twenty feet therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house or at a less distance than twenty feet, area permitting, shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

4. For houses containing not more than four rooms and out-offices, the cesspit shall not be less than three feet by four feet and five feet deep, inside measurement; for houses containing more than four rooms and out-offices, the cesspit shall not be less than 3 feet 6 inches by 4 feet, and 5 feet deep, inside measurement.

5. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide, and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside, and with a man-hole in the floor not less than 2 feet square, clear internal measurement, to be covered with a trap door; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

6. Where two or more closets adjoin each other there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

7. A separate closet shall be provided for each tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

8. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside, or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

9. If any alterations shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health, or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

10. Owners of existing closets and soilpits may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these regulations on notice being given by the Inspector of Nuisances to that effect; persons failing to make such alterations or improvements within one month after the receipt of such notice shall

be liable to a penalty not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with the terms of the said notice.

11. The night-soil shall be removed by contract in properly constructed water-tight covered vehicles, between the hours of 10 p.m. and 5 a.m., from the 1st day of October to the last day of March, and between the hours of 10 p.m. and 6 a.m., from the 1st day of April to the last day of September.

12. Persons desirous of using earth-closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangements shall be approved by the Council.

13. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorised by the Nuisances Prevention Act of 1875 therein on all days except Sundays and holidays, and any person who shall hinder or obstruct any Inspector of Nuisances or other officer as aforesaid upon any such visitation of inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

14. All expenses incurred by the Council in emptying any cesspit shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit is situated within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way before any two Justices of the Peace.

15. The Inspector of Nuisances shall furnish the Council with a monthly return showing the number of cesspits emptied, the amount due and payable for each cesspit, and the amount of arrears due for emptying cesspits. He shall collect the amounts due and payable; and account therefor to the Council at least once in every month, or as may be determined upon by such Council.

Swine, &c., not to wander about the streets.

Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within one hundred feet of any street or public place within the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place within the said Municipality, shall forfeit and pay for every such offence a sum not extending forty shillings, and be made liable for damages.

Every person driving any vehicle within the Borough between sunset and sunrise shall carry a light on such vehicle in a conspicuous place. Anyone offending against this By-law shall be liable to a penalty not exceeding one pound.

No person shall be allowed to remove loam, sand, gravel, or other material from any reserve or other lands of the Municipality without authority, in writing, of the Council or their duly qualified officer, under a penalty not exceeding two pounds. Any person offending against this By-law shall be liable to a penalty not less than one pound nor more than forty shillings. The driver of any vehicle shall, for the purpose of these By-laws, be held and taken to be the owner thereof until the contrary be shown.

Injuring public fountains, &c.

Any person who shall injure any public fountain, pump, cock, water-pipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage and any further sum not exceeding twenty pounds nor less than one pound; and any person who shall bathe and wash himself, or shall wash any clothes or other article at or in any reservoir, channel, fountain or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid shall forfeit and pay any sum not exceeding one pound nor less than five shillings.

Suppression of nuisances, &c.

In case any privy, hogsty, or any other matter or thing whatsoever which shall at any time be or become a nuisance by causing unwholesome smells to arise within any part of this Municipality, it shall be lawful for any two Justices, upon complaint thereof by any person, to investigate such complaint, and to order that such privy, hogsty, boiling-down establishment, or other matter or thing, being a nuisance as aforesaid, to be cleansed, removed, or discontinued, as the case may be, within seven days after such order has been made and notice given to the owner or occupier of the premises where such nuisance shall exist, and every such owner or occupier neglecting to remedy or remove such nuisance pursuant to such notice or order and to the satisfaction of such Justices, shall forfeit and pay a sum of ten pounds for every such

neglect or disobedience; and also it shall be lawful for such Justices to indict or cause to be indicted for such nuisances such person or persons so neglecting or disobeying any such notice or order at the then next Court of General or Quarter Sessions to be held nearest to the said Municipality; and the person or persons being found guilty shall be subject to such punishment and such further order as the Justices assembled at such Sessions shall lawfully decide.

Swine not to be kept.

Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other hereditaments situate and being in or within one hundred feet of any street or public place or any dwelling-house in the said Municipality, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Cattle, &c., not allowed to go about the streets, &c.

It shall not be lawful for any person whomsoever to suffer any kind of cattle, horse, ass, mule, sheep, swine, or goats belonging to him or under his or her charge, to depasture, stray, or go about, or to be tethered or depastured in any street, road, or public place within the Municipality; and any

person who shall so offend shall forfeit and pay in respect to every such offence any sum not exceeding two pounds nor less than five shillings.

As to private avenues, &c.

Any owner or occupier of any house or place within the said Municipality who shall neglect to keep clean any private avenues, passages, yards, and ways within the said premises so as by such neglect to cause a nuisance by offensive smell or otherwise, shall, on conviction, forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Inspection of premises.

Upon the reasonable complaint in writing of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Received and adopted by Waratah Municipal Council,
May 16th, 1887.

(L.S.) JOHN SCHOLEY, Mayor.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LOCAL GOVERNMENT BILL.

(MESSAGE No. 3.)

Ordered by the Legislative Assembly to be printed, 29 September, 1887.

CARRINGTON,

Governor.

Message No. 3

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to divide the Colony into Local Government Districts, and to establish a system of District Government, and for other purposes connected therewith.

Government House,

Sydney, 29th September, 1887.

1887-8.

NEW SOUTH WALES.

METROPOLITAN FIRE BRIGADES BOARD.

(FOURTH ANNUAL REPORT.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 7.

To the Honorable the Colonial Secretary,—

Sir,

Fire Brigades Board, Sydney, 3 February, 1888.

In complying with the 7th section of the Fire Brigades Act of 1884, the Board herewith begs to submit its fourth annual report for the year ending 31st December, 1887. Incorporated with it is also the annual report and statistical returns of the Superintendent.

With regard to the constitution of the Board it may here be mentioned, that in consequence of the Volunteer Fire Companies having no representative on the Board, an extraordinary election was sanctioned by the Government, on the opinion of the Attorney-General; regulations were made at a meeting held for that purpose, on the 16th November, and being published in the *Government Gazette*, the election took place on the 14th December, at which Mr. E. J. Love, of Parramatta, was elected for the period ending the 16th March, 1888, when the elections for the Insurance Companies' and Municipal Councils' representatives will also be held. The whole of the regulations referred to above are annexed herewith.

Appended will be found the names of the Insurance Companies, and the Municipal Councils which contributed during the year, 1887, in accordance with the 15th section of the Act.

The list of Insurance Companies show the total amount held at risk by each on the 31st December, 1886, and the amounts contributed by each in 1887.

In the list of Municipal Councils the ratable value of property is shown, and also the amount contributed to the Board on each assessment. The list of Councils is the same as last year. In the list of Insurance Companies four additional names appear, viz.:—The Glasgow and London General (of London), New South Wales Assurance Corporation, and the South Australian.

At the end of the past year the undermentioned offices notified the discontinuance of fire business in the Colony:—The Colonial Insurance Company of New Zealand; Manchester (Messrs. A. M'Arthur and Co., agents); and the South Australian. Owing to an arrangement made with the Insurance Companies, respecting risks effected with insurance offices, who have no recognised agent or office in the Colony, Messrs. S. Hoffnung & Co., of Pitt-street, contributed a *pro rata* amount on the sum of £29,000 insured with offices over which the Board has no jurisdiction. Messrs. Hordern Brothers, of Pitt-street, also by arrangement, paid a *pro rata* amount on the sum of £10,000 insured with Lloyds, of London, being the sum insured above that which could be effected in Sydney. Comparing the year 1885 with the year 1886 in regard to the gross amount held at risk by the Insurance Companies, it will be noticed that the total sum is steadily increasing, as the undermentioned figures will show:—

31st December, 1886	...	...	...	...	...	...	£49,209,395
31st December, 1885	...	...	...	...	...	...	46,253,370
To increase	...	...	...	...	...	...	£2,956,025

In connection with this matter, it is worth notice that the assessment of the Insurance Companies for the City of London shows a diminution of eight millions out of seven hundred and fifty millions. Whether this is the result of more correct analysis of figures, or a positive diminution in amounts insured, is unknown. It may to a great extent be owing to the wholesale condemnation of certain classes of buildings and stocks by Insurance Offices after the experience they have had for some years past. It may be interesting to note that only fifty-seven offices are required to insure the above vast amount. It is of course impossible for the Board to know whether the figures represent real increase of values, or only that property formerly uninsured is now insured. It is hardly likely that there was a fresh production of three millions worth of insurable property during the last twelve months. The Board has not investigated into the correctness of the figures furnished.

With regard to the Municipal Councils, the comparison of the returns for the year 1885 and 1886 show that there has also been a steady increase in the aggregate amount of ratable property in the City of Sydney and the Municipalities which are enumerated in Schedule A, and Parramatta.

In 1886 the assessed amount was	...	...	...	...	...	...	£3,945,291
In 1885	..	..	..	..	..	..	3,673,154
Total increase	...	...	...	...	...	...	£272,137

The extension of the Fire Protection in the City and Suburbs has been very advantageously and judiciously proceeded with. In two Municipalities Volunteer Fire Stations have been opened, viz., Leichhardt and Darlington, and which have also been placed in telephone communication with the head quarters station.

529—A

[1,458 copies—Approximate Cost of Printing (labour and material), £78 13s. 10d.]

The erection of the new Central Fire Station was virtually completed at the end of the year, but, as the fitting-up of the electrical apparatus throughout the building and other important matters of detail requiring careful consideration, it is thought that the station cannot be opened in a complete form until early in the month of February. This building has been erected by Mr. John Baldwin, under the supervision of the Colonial Architect's Department, and also of Mr. Bear, owing to whose untiring energy and skill, the Board can safely look upon this station as a model of completeness. There is no doubt as to its being one of the finest and most modern of its kind,

The scheme of fire alarms referred to in the previous year's report has been elaborated. Mr. Bear, in his report to the Board, refers to this matter, and also states the various points where the new kind of fire alarm has been erected. One of these was lately the means of an early call being given to the Brigade, and in consequence, a warehouse was saved from destruction (only a slight damage being the result). The other fire alarms which had been erected and referred to in the Board's last report are still in working order, and having been in frequent use during the year, gave fair results. There is no doubt that the public will take some time to understand the use and purpose of these instruments, nevertheless the time will come when people will look upon them as a necessity.

The Board has again to allude to its recommendation contained in the last report of the necessity of conferring greater powers on the Board, in regard to matters which belong clearly to a Fire Department.

The present Act is very unsatisfactory, and several instances have occurred during the past year where various provisions and sections have been found impracticable and unworkable. Such a state of affairs should not be permitted to exist. For the purpose of rectifying matters, the Board framed a Bill in 1885, to amend the Act of 1884. This was submitted to a former Government, but up to the present no action has been taken. The Amending Bill has again, however, had the attention of the Board, with the result that a new and revised Bill has been drafted (a copy of which is herewith appended), in it is embodied several amendments on the previous amending Bill, which, if passed, will add very considerably to the importance and protection of the city and suburbs from fire, insomuch as it contains the gist of the Board's experience.

The Board, at the request of the Government, has expressed its opinion that the Metropolitan Fire Brigades Act should be strictly confined to the metropolitan area, and that the clauses referring to its extension as far as it will apply should be struck out. It is impossible to arrange satisfactorily for its extension to any country district. Should it be deemed of importance to have country fire establishments, a different system must be introduced, with special legislation.

There is another matter which, at the request of the then Colonial Secretary, Mr. G. R. Dibbs, the Board formulated an amending Bill for restricting the sale and storage of dangerous oils and substances, but owing to a new kind of kerosene tester having been introduced and passed by the Board of Trade in London (one of which is being imported in order that the necessary schedule might be framed), the matter is still in abeyance.

It is thought that this schedule will be prepared early during the current year.

As to the water supply in the past year a few instances have occurred whereby various defects have been discovered, although at all times when reported to the authorities they have been remedied. There is still, however, the fact of insufficiency of pressure in the water mains, and of their smallness in many localities, which should be carefully looked after by the authorities in charge of the water supply hereafter.

Throughout most of the suburbs there is little or no water during the daytime, and experience shows that many large and disastrous fires have happened during the day. It was thought that the new Nepean scheme would have abundantly supplied the want, long-felt, but so far the anticipations have not been realized. As very large and lofty buildings are being continually erected without any authority to direct their proper protection from fire, and as no attention is paid to the sufficiency of the water supply in their immediate vicinity, the opinion of many professional minds is that under existing circumstances there is nothing to prevent a great calamity. Numerous complaints and grievances have been ventilated in the press, with no satisfactory result. The real want in this direction is a new and complete system of more pumping power to the higher levels. It is to be hoped that during the ensuing year something will be done to place the water system on a much sounder basis, so that the vast amount of new and extensive buildings and property—now to a large extent under-insured, and for the insuring of which very heavy premiums are paid—may have that proportion of protection which the ratepayers naturally expect.

The past year has shown a marked improvement of the Volunteer Fire Companies in the city and suburbs. In many instances the various companies have rendered a great amount of assistance. By acting in the capacity of auxiliary firemen to the permanent Brigade these companies should eventually turn themselves into a very useful body. The first year of their existence under the new *régime* was one of intense interest and excitement, but the second year was one of trial. Having surmounted their difficulties—particularly in matters of finance—they have done steady work during the past year. The Board has the pleasure to record that almost every Volunteer Company has a credit balance in their respective banks. The very fact of their several funds being lodged in a bank, and of their accounts being annually audited by an officer appointed by the Board, guarantees, to a certain extent, that the subsidies granted by the Board are legitimately used. Their discipline and general efficiency is also considered by the Superintendent to be satisfactory.

The Volunteer Fire Stations at Newtown and Balmain require considerable alterations, and the negotiations now pending—if completed in a satisfactory manner—should have the effect of having these suburbs more amply protected. The Board has represented the importance of the subject to the Government with a view of obtaining a lease of a site, and as soon as the necessary arrangements have been made, the alterations will follow.

In conclusion, the Board wish to draw especial attention to its recommendations, submitted in this and former reports, with a view of something definite being done to place matters on a better footing.

I have, &c.,

CHARLES BOWN,

Chairman Fire Brigades Board.

STATEMENT showing the assessed value of ratable property for the Year 1866 in the City of Sydney and the undermentioned Municipalities, with proportion of expenses as estimated by the Fire Brigades' Board for the Year ending 31st December, 1887.

Municipality.	Assessed Value.	Contribution.	Municipality.	Assessed Value.	Contribution.
	£	£ s. d.		£	£ s. d.
City of Sydney	1,847,027	1,404 9 7	Paddington	142,946	108 13 11
Alexandria	54,400	41 7 4	Petersham	92,076	70 0 3
Ashfield	112,785	85 15 2	Randwick	70,693	53 15 1
Balmain	174,004	132 6 3	Redfern	153,031	116 7 4
Burwood	62,218	47 6 3	St. Leonards	80,255	61 0 6
Camperdown	33,392	25 7 10	St. Leonards East	65,453	49 15 5
Darlington	26,374	20 1 1	St. Peters	30,300	23 0 10
Five Dock	20,895	15 17 9	Victoria	36,020	27 7 10
Glebe	142,115	108 1 4	Waterloo	64,240	48 17 0
Leichhardt	96,400	73 6 1	Waverley	88,366	67 3 10
Macdonaldtown	26,374	20 1 1	Willoughby North	51,561	39 4 2
Manly	67,440	51 5 8	Woollahra	118,717	90 5 5
Marrickville	89,880	68 6 10			
Newtown	130,300	99 1 7	Total	£ 3,945,291	3,000 0 0
Parramatta	68,029	51 14 7			

STATEMENT showing amount held at risk within the City of Sydney and the Municipalities (enumerated in Schedule A of the Fire Brigades' Act, 1884), and Parramatta, by the undermentioned Fire Insurance Companies, for the Year ending 31st December, 1886, with proportion of expenses, as estimated by the Fire Brigades' Board for the Year ending 31st December, 1887.

Insurance Companies.	Amount at Risk.	Contributions.
	£	£ s. d.
The Alliance Assurance	726,070	44 5 3
Australian Alliance	478,507	29 3 5
Australian Mutual	6,346,611	386 18 4
City Mutual	1,770,923	107 19 3
City of London	192,392	11 14 7
Colonial of New Zealand	82,006	5 0 0
Colonial Mutual	1,334,485	81 7 1
Commercial Union	6,001,000	365 16 11
Cornwall	143,269	8 14 8
Equitable of New Zealand	749,215	45 13 6
Guardian	269,012	16 8 0
Hamburg Madgeburg	281,130	17 2 9
Imperial	1,101,000	67 2 5
Industrial Mutual	1,133,873	69 2 6
Lion	372,763	22 14 6
Liverpool, London, and Globe	2,980,010	181 13 6
London and Lancashire	445,331	27 3 0
Manchester (R. Nott, Agent)	140,955	8 11 10
Manchester (M'Arthur & Co., Agents)	251,824	15 7 0
Mercantile Mutual	4,305,642	262 9 9
National New Zealand	1,277,033	77 17 0
New Zealand	1,616,044	98 10 4
North British and Mercantile	820,360	50 0 3
Northern Assurance	628,000	38 5 8
Norwich Union	2,012,365	122 13 7
Pacific	745,000	45 8 4
Phoenix	1,456,837	88 16 3
Queen	1,086,944	66 5 3
Royal	505,708	30 16 7
Scottish Union and National	506,000	30 17 0
South British	868,997	52 19 6
Standard	1,248,960	76 2 10
Sun	406,036	24 15 1
Union of New Zealand	805,760	49 2 5
United	2,586,502	157 13 8
United Australian Mutual	262,580	16 0 2
Victoria	1,675,000	102 2 4
Sydney Mutual	758,547	46 4 10
Glasgow and London	106,664	6 10 1
General Assurance Company of London	134,693	8 4 3
New South Wales Assurance Corporation	520,677	31 14 11
South Australian	74,670	4 11 5
Total	£ 49,209,395	3,000 0 0

STATEMENT showing the Attendance at Actual Fires of Volunteer Companies within specified hours, for the Year 1887.

Company	12 midnight to 6 a.m., 64 actual fires.		6 a.m. to 12 noon, 20 actual fires.		12 noon to 6 p.m., 36 actual fires.		6 p.m. to 12 midnight, 87 actual fires.		Total number of fires, 207.	
	Number of fires attended.	Number of Members present.	Number of fires attended.	Number of Members present.	Number of fires attended.	Number of Members present.	Number of fires attended.	Number of Members present.	Total Number of fires attended.	Total Number of Members present.
No. 4 Volunteer Company ...	8	59	.....	.....	4	19	12	87	24	165
No. 5 do do ...	7	41	.....	.....	2	16	11	75	20	132
North City Volunteer Co. ...	3	7	1	3	3	19	5	13	12	42
Paddington Brewery	16	107	.....	.....	8	38	19	64	34	209
Theatre Royal.....	4	12	.....	.....	4	17	7	46	15	75
Standard Brewery	24	183	5	26	12	79	18	132	59	420
SUBURBAN COMPANIES—										
Alexandria Volunteer Co. ...	5	48	2	9	2	29	10	63	19	149
Balmain do ...	2	13	1	11	1	.....	1	16	5	40
Burwood do ...	3	31	.....	.....	.....	.....	1	.....	4	31
Darlington do ...	6	47	1	3	3	19	7	37	17	106
Glebe do ..	6	37	1	9	2	17	9	79	18	142
Leichhardt do ...	4	22	.....	.....	.....	.....	1	3	5	25
Manly do .	.....	.....	1	7	.....	.....	2	33	3	40
Waterloo do ...	3	22	.....	.....	.....	.....	4	32	7	4
Newtown do ...	8	66	.....	.....	3	31	10	104	21	201
Paddington do ...	3	19	.....	.....	1	.....	2	2	6	21
Parramatta (No. 1)do ...	.....	.....	.....	.....	.....	.....	1	14	1	14
Do (No. 2)do ..	.....	.....	.....	.....	.....	.....	1	15	1	15
Redfern do ...	1	12	.....	.....	.....	.....	.....	.....	1	12
St. Leonards do ...	1	4	.....	.....	.....	.....	2	24	3	28
Woollahra do ...	1	10	1	.....	.....	.....	2	18	4	28

SUMMARY of Attendances at Actual Fires of Volunteer Companies stationed in the Suburbs, for the Year 1887.

Name of Company.	No. of Members on Registration Roll.	No of actual fires.		Total.	No. of actual fires attended, as per Superintendent's Report.		Total.	Attendances, as per Volunteer Reports.
		In Borough.	Outside.		In Borough.	Outside.		
Alexandria	20	10 including Waterloo.	197	207	4	15	19	4 members attended 2 fires 5 " " 1 fire. 6 " " 1 " " 7 " " 1 " " 8 " " 3 fires. 9 " " 4 " " 10 " " 3 " " 11 " " 1 fire. 12 " " 4 fires. 13 " " 1 fire. 14 " " 1 " " 15 " " 1 " "
Balmain	20	7	200	207	5	.....	5	10 " " 1 " " 11 " " 1 " " 13 " " 1 " "
Burwood	18	4	203	207	3	1	4	6 " " 1 " " 8 " " 1 " " 13 " " 1 " " 16 " " 1 " "

SUMMARY of Attendances at Actual Fires of Volunteer Companies stationed in the Suburbs,
for the Year 1887—*continued*.

Name of Company.	No. of Members on Registration Roll.	No. of actual fires.		Total.	No. of actual fires attended, as per Superintendent's Report.		Total	Attendances, as per Volunteer Report.	
		In Borough.	Outside.		In Borough.	Outside.			
Darlington	18	3	204	207	1	16	17	3 members attended	2 fires.
								4	"
								5	"
								6	"
								7	"
								8	"
								10	"
Glebe	22	10 including Leichhardt	197	207	7	11	18	4	" 1 fire.
								5	" 1 "
								6	" 1 "
								7	" 2 fires.
								8	" 2 "
								9	" 3 "
								10	" 3 "
								12	" 1 fire.
								13	" 1 "
Leichhardt	13	1	206	207		5	5	7	" 1 "
								10	" 1 "
								11	" 1 "
Manly	22	3	204	207	1		1	8	" 1 "
								9	" 1 "
								12	" 1 "
Mount Lachlan, Waterloo.	18	10 including Alexandria	197	207	2	5	7	7	" 1 "
								8	" 1 "
								9	" 1 "
								12	" 2 fires.
								14	" 1 fire.
Newtown	32	12	195	207	9	12	21	1 member	2 fires.
								3 members	2 "
								5	" 2 "
								6	" 2 "
								7	" 2 "
								8	" 1 fire.
								9	" 2 fires.
								10	" 1 fire.
								11	" 1 "
								12	" 2 fires.
								13	" 2 "
								15	" 3 "
								16	" 1 fire.
								17	" 1 "
								18	" 1 "
Paddington	19	16 including Waverley and Woollahra.	191	207	5	1	6	1 member	3 fires.
								2 members	3 "
								4	" 2 "
								5	" 1 fire.
								7	" 2 fires.
								10	" 2 "
								12	" 2 "
								13	" 1 fire.
								16	" 1 "
								17	" 1 "
Parramatta (No. 1) . .	19	1	206	207	1		1	11	" 1 "
Parramatta (No. 2) . .	18	1	206	207	1		1	12	" 1 "
Redfern	14	6	201	207	1		1	8	" 1 "
								9	" 1 "
								12	" 1 "
St. Leonards	17	4 including the whole of North Shore.	203	207	3		3	4	" 2 fires.
								10	" 1 fire.
								14	" 1 "
Woollahra	22	16 including Paddington and Waverley.	191	207	3	1	4	3	" 2 fires.
								6	" 1 fire.
								7	" 1 "
								8	" 1 "
								9	" 1 "
								10	" 1 "
								11	" 2 fires.
								12	" 1 fire.

SUMMARY of Attendances of Volunteer Companies at Fires when the premises or contents have been totally destroyed, for the Year 1887.

Date of Fire.	Locality and time of Fire.	City Companies.							Suburban Companies.										Total.				
		No. 4 Volunteer Company	No. 5 Volunteer Company	North City Volunteer Co.	Paddington Brewery.	Theatre Royal.	Standard Brewery.	Alexandria.	Balmain.	Burwood.	Darlington.	Glebe.	Leichhardt.	Manly.	Waterloo.	Newtown.	Paddington.	Parramatta (No. 1.)		Parramatta (No. 2.)	Redfern.	St. Leonards.	Woollahra.
1887.																							
13 Mar.	No. 22, Sussex-street N., 10.25 p.m.	*	*	*	*	*	*																
17 "	Corner of Rountree and Cameron Streets, Balmain, 12.45 a.m.												*										
3 May	Corner of Burwood Road and William-street, Burwood, 11.59 p.m.											*											
9 June	Erskineville Road, Macdonaldtown, 1.51 a.m.															4							4
19 "	No. 20, King-street, Newtown, 3.45 p.m.							8	14			10	8			16							56
10 July	Rose-street, Darlington, 1.30 a.m.								7			14				6							27
4 Aug.	165, King-street, Newtown, 11.7 p.m.							8				7			1	*							16
8 "	Holden-street, Ashfield, 11.30 p.m.																						
17 "	The Corso, Manly, 10.45 p.m.													13									13
26 "	Church-street, Camperdown, 5.15 a.m.									5	7	2			13								27
15 Sept.	31 Chambers-street, Glebe, 3.20 a.m.		*	6		8	6			7	10												37
22 "	Burwood Road, Burwood, 1.45 a.m.									17													17
7 Oct.	Stanley-street, Arncliffe, 11.30 p.m.																						
16 "	Drummoyne, Parramatta Road, 4.15 a.m.																						
4 Dec.	Rear of 91, Victoria-street, Darlinghurst, 1.30 a.m.			5	7		8																20
				5	13		24	35		17	43	25	2	13	1	39							217

* Several members of these Companies were present, but their number was not reported to the Superintendent at the fire.

SUMMARY of Attendances of Volunteer Companies at Fires designated "Serious," for the Year 1887.

Date of Fire.	Locality and time of Fire.	City Companies.							Suburban Companies.										Total.				
		No. 4 Volunteer Company	No. 5 Volunteer Company	North City Volunteer Co.	Paddington Brewery.	Theatre Royal.	Standard Brewery.	Alexandria.	Balmain.	Burwood.	Darlington.	Glebe.	Leichhardt.	Manly.	Mount Lachlan.	Newtown.	Paddington.	Parramatta (No. 1.)		Parramatta (No. 2.)	Redfern.	St. Leonards.	Woollahra.
1887.																							
17 Jan...	No. 6, Queen's-place, off George-street, 6 p.m.	7	12	5		2	7																33
15 Mar..	869, George-street, near Harris-street, 12.40 a.m.	10	5																				15
26 "	Weston-street, Balmain, 3.30 a.m.																						13
7 April	36, Pitt-street, 9 p.m.	12	5				12																29
22 "	41, 43, Campbell-street, Newtown, 11.7 p.m.										6				*								6
11 May..	No. 56, Lower Campbell-street, Surry Hills, 3 a.m.	7			14		11																32
22 "	31, Parramatta Road, Glebe, 1.30 a.m.										*												
27 "	506, George-street, 11.30 p.m.	*	*	*	*	*					1												1
9 July..	16 and 18, Barrack-street, 1.35 p.m.			5	6	2	5			6													24
30 "	306 and 308, George-street, 1.30 p.m.			6	6	3	7																22
16 Aug..	Brickfields, off Mitchell Road, Alexandria, 12.5 a.m.														1	12							13
25 "	251, Clarence-street, 5.48 a.m.				6		8																14
9 Sept..	Railway Viaduct, Petersham, 4.50 a.m.								6			10			9								25
21 "	Gowrie-street, Newtown, 9.20 p.m.																						nil
26 Nov..	52, Ross-street, Forest Lodge, 10.45 a.m.										9												9
12 Dec...	Off Ultimo-street, 10.40 a.m.						9	3†			3†												15
14 "	80, Clarence-street, 5.10 p.m.				5		13																18
22 "	Great Buckingham-street, Redfern, 2.20 a.m.			2†	12		9	15		7		3†		14					12				74
		36	22	18	49	7	81	18	13	6	16	16	13		15	21			12				343

* Several members of these Companies were present, but their number was not reported to the Superintendent at the fire.

† No apparatus attended.

SUMMARY of Attendances at Actual Fires of Volunteer Companies stationed in the City of Sydney,
for the Year 1887.

Name of Company, and where stationed.	No. of Members on Registration Roll.	No. of actual Fires.		Total No. of actual Fires.	No. of Fires attended as per Superintendent's Reports.	Attendances as per Volunteer Report.
		City.	Suburbs.			
No. 4, South Sydney, Hancock's Tower, George-street, near Railway Station	23	105	102	207	24	2 members attended 1 fire 2 " " 3 fires 4 " " 1 fire 5 " " 2 fires 6 " " 4 " " 7 " " 7 " " 8 " " 4 " " 9 " " 2 " " 10 " " 4 " " 11 " " 2 " " 12 " " 4 " "
No. 5, East Sydney, Campbell-street, near Bourke-street	18	105	102	207	20	6 " " 1 fire 8 " " 1 " " 12 " " 1 " " 14 " " 1 " "
Theatre Royal, Castlereagh-street, next to the Theatre Royal	27	105	102	207	15	2 " " 2 fires 3 " " 5 " " 4 " " 1 fire 5 " " 1 " " 6 " " 2 fires 7 " " 1 fire 8 " " 1 " " 9 " " 1 " " 15 " " 1 " "
Standard Brewery, Foveaux-street	19	105	102	207	59	3 " " 3 fires 4 " " 4 " " 5 " " 9 " " 6 " " 12 " " 7 " " 15 " " 8 " " 16 " " 9 " " 6 " " 10 " " 4 " " 11 " " 7 " " 12 " " 2 " " 13 " " 1 fire
North City, Cumberland-street	20	105	102	207	12	12 " " 1 " " 4 " " 3 fires 5 " " 4 " " 6 " " 2 " " 7 " " 1 fire 8 " " 1 " "
Paddington Brewery, corner of Dowling and Oxford Streets	38	105	102	207	34	1 member 1 " " 2 members 3 fires 3 " " 6 " " 4 " " 2 " " 5 " " 8 " " 6 " " 6 " " 7 " " 4 " " 8 " " 10 " " 9 " " 3 " " 10 " " 3 " " 11 " " 2 " " 12 " " 2 " " 14 " " 2 " "

SUMMARY of Attendances at Board Meetings up to 23rd December, 1887.

Names.	Present.	Absent.
Mr. Charles Bown	35	
Mr. M. W. S. Clarke.....	35	
Mr. W. Church	33	2
Mr. S. E. Lees.....	33	2
Mr. R. McCoy	34	1
Mr. E. J. Love	1*	

* Being the only meeting held during the year after his election.

FIRE BRIGADES BOARD, SYDNEY.

ABSTRACT OF RECEIPTS AND EXPENDITURE for the Half-year ending 30th June, 1887.

RECEIPTS.		EXPENDITURE.	
	£ s. d.	£ s. d.	£ s. d.
31st December, 1886.			
By Balance—		To plant, stores and fuel	781 7 10
Mercantile Bank	3,040 18 3	Printing, stationery, and postage	45 14 7
Superintendents petty cash	11 13 4	Rent	300 10 0
" watching duties	16 4 0	Taxes	48 5 0
		Lighting	80 5 1
		Clothing, boots, &c.	17 19 5
The Government Treasury	1,500 0 0		1,274 1 11
Insurance Companies—		Board fees	150 0 0
Alliance	22 2 3	Salaries	2,506 0 6
Australian Alliance	14 11 9		2,656 0 6
Australian Mutual	193 9 2	Horses—	
City Mutual	53 19 3	Veterinary	10 10
City of London	5 17 4	Purchase of	42 10 0
Colonial of New Zealand	5 0 0	Fodder for	88 17 2
Colonial Mutual	40 13 7	Shoing	9 2 6
Commercial Union	182 13 6	Harness	16 12 6
Cornwall	4 7 4		167 12 2
Equitable of New Zealand	22 16 10	Telephones and fire alarms	34 5 10
Guardian	12 6 0	Working engines at fires	0 4 0
Hamburg-Magdeburg	8 11 5	Rewards for calls	4 14 0
Imperial	33 11 3	Assistance rendered	0 9 0
Industrial Mutual	34 11 4	Cab hire and cartage	8 10 11
Lion	22 14 6	Rewards to turncocks	13 10 0
Liverpool, London, and Globe	90 16 10		111 13 9
London and Lancashire	13 11 6	Life premiums and policies—	
Manchester (R. H. Nott)	4 6 0	Australian Mutual Provident	18 9 1
Manchester (M. Arthur)	15 7 0	Widow and Orphans Fund	3 9 6
Mercantile Mutual	131 4 11		21 18 7
National of New Zealand	38 13 6	Fire stations, repairs to	15 7 0
New Zealand	49 5 2	M. F. B. Benefit Club—	
North British and Mercantile	25 0 2	Thirds of watching duties	16 13 8
Northern	19 2 10	Grant for special services	5 0 0
Norwich Union	61 6 10		21 13 8
Pacific	22 14 2	Darlington Municipal Council—Overcharge in	
Phoenix	44 8 2	1886, owing to wrong assessment	12 17 6
Queen	33 2 8	Subsidies to Volunteer Fire Companies—	
Royal	15 8 4	Paddington	75 0 0
Scottish Union and National	15 8 6	St. Leonards	80 0 0
South British	26 9 10	Glebe	75 0 0
Standard of New Zealand	38 1 6	Waterloo	50 0 0
Sun	12 7 7	Standard Brewery	25 0 0
Union of New Zealand	24 11 3	Woollahra	57 10 0
United	78 16 10	Newtown	37 10 0
United Australian Mutual	8 0 2	Balmain	100 0 0
Victoria	51 1 2	Parramatta (No. 1)	37 10 0
Sydney Mutual	23 2 6	Parramatta (No. 2)	37 10 0
Glasgow and London	3 5 1	Burwood	50 0 0
General	4 2 2	Manly	37 10 0
New South Wales Assurance Corporation	15 17 6	Alexandria	50 0 0
South Australian	4 11 5	North City	50 0 0
	1,527 19 11	Paddington Brewery	52 10 0
Messrs. Hoffnung & Co.	1 15 4		865 0 0
Messrs. Hordern Brothers	0 12 2	Miscellaneous—	
	2 7 6	Petty Expenses	11 8 0
Municipal Councils—		Volunteer Firemen, for watching duties at	
City of Sydney	702 4 10	fires	19 3 0
Alexandria	20 13 8	Auditors' fees	12 10 0
Ashfield	42 17 8	Extra clerical assistance re Bone's investi-	
Balmain	66 3 2	gations	26 5 0
Barwood	23 13 2	Sundries	3 1 0
Camperdown	12 14 0	Advertising	4 1 0
Darlington	10 0 7	Engraving	3 7 6
Five Dock	7 13 11		79 16 3
Glebe	54 0 8	Balance—	
Leichhardt	36 13 1	Mercantile Bank	3,204 1 5
Macdonaldtown	10 0 7	Superintendent, watching duty account	20 0 0
Manly	25 12 10	Superintendent, petty cash	19 19 6
Murrickville	34 3 6		3,244 0 11
Newtown	49 10 10		
Paddington	54 7 0		
Parramatta	25 17 4		
Petersham	35 0 2		
Randwick	26 17 7		
Redfern	58 3 8		
St. Leonards	30 10 4		
St. Leonards East	24 17 9		
St. Peters	11 10 6		
Victoria	13 14 0		
Waterloo	24 8 6		
Waverley	33 12 0		
Willoughby North	19 12 2		
Woollahra	45 2 9		
	1,500 1 3		
Insurance Companies, for watching duties at			
fires	57 6 3		
Sale of old plant	49 14 6		
Mercantile Mutual Insurance Co., guarantee of			
A. J. L. Bone	500 0 0		
	607 0 9		
Life Premiums—firemen contributions	22 5 4		
Rent for firemen's apartments in stations	190 13 4		
Fines	21 10 7		
	234 14 3		
Loan of engines for pumping out excavations,			
&c.	20 0 0		
Refund, "Globe" newspaper	0 3 0		
	20 3 0		
	£8,470 2 3		£8,470 2 3

I hereby certify that I have this day examined and compared the books, vouchers, and accounts of the Fire Brigades Board for the half-year ended 30th June, 1887, also statement of receipts and expenditure herein, and that the same are correct.—JAMES C. TAYLOR, Public Accountant.
Sydney, 15th July, 1887.

Adopted, 18th July, 1887.

CHARLES BOWN, Chairman.
WILLIAM AGER, Secretary.

FIRE BRIGADES BOARD, SYDNEY.

ABSTRACT OF RECEIPTS AND EXPENDITURE for the Half-year ending 31st December, 1887.

RECEIPTS.		EXPENDITURE.	
	£ s. d.	£ s. d.	£ s. d.
30th June, 1887.			
By Balance—		To plant, stores, and fuel	331 9 7
Mercantile Bank	3,204 1 0	Painting, &c	35 6 9
Superintendent's watching duties	20 0 0	Rent	300 10 0
„ petty cash	19 19 6	Taxes	44 15 0
		Lighting (Australian Gas Co)	101 3 1
		Clothing, boots, &c.	250 8 6
			1,063 12 11
The Government Treasury	1,500 0 0	Board fees	150 0 0
Insurance Companies—		Salaries—Office and Brigade	2,442 7 0
The Alliance Assurance	22 2 7		2,592 7 0
Australian Alliance	14 11 8	Horses—	
Australian Mutual	193 9 2	Fodder for	98 16 4
City Mutual	53 19 7	Shoing	7 3 9
City of London	5 17 3	Harness	9 1 6
Colonial Mutual	40 13 6		115 1 7
Commercial Union	182 18 5	Telephones and Fire Alarms—	
Cornwall	4 7 4	Extension of line to King and York Streets	6 10 0
Equitable of New Zealand	22 16 8	„ „ Nithsdale-street	4 10 0
Guardian	4 2 0	„ „ Council Chambers, Marrickville	39 15 0
Hamburg-Magdeburg	8 11 4	St. Leonards Volunteer Company	28 0 0
Imperial	33 11 2	Darlington „ „	23 7 6
Industrial Mutual	34 11 2	Leichhardt „ „	33 7 6
Liverpool, London, and Globe	90 16 8	Railway terminus	8 10 0
London and Lancashire	13 11 6	Tram terminus, Marrickville	20 7 6
Manchester (R. Nott, agent)	4 5 10	Trinwood street, Petersham	14 0 0
Mercantile Mutual	131 4 10	One cable	4 5 0
National of New Zealand	38 18 6	One 10-shutter switchboard	17 0 0
New Zealand	49 5 2	New telephone	8 2 0
North British and Mercantile	25 0 1	Sundries	6 10 0
Northern Assurance	19 2 10	„ —fire alarms	25 2 0
Norwich Union	61 6 9		239 6 6
Pacific	22 14 2	Guarantee premiums	5 0 0
Phoenix	44 8 1	Premiums on life policies—	
Queen	33 2 7	Australian Mutual Provident	56 15 11
Royal	15 8 3	Widow and Orphans Fund	16 5 10
Scottish Union and National	15 8 6	Liverpool, London, and Globe	7 3 2
South British	26 9 8		80 4 11
Standard	38 1 4	Working engines at fires	1 7 0
Sun	12 7 6	Rewards for calls	4 11 0
Union of New Zealand	24 11 2	Assistance rendered	0 10 0
United	78 16 10	Cab hire and cartage	12 16 9
United Australian Mutual	8 0 0	Auditors' fees	25 0 0
Victoria	51 1 2	Reward to turncocks for early attendance at fires	3 12 0
Sydney Mutual	23 2 4		47 16 9
Glasgow and London	3 5 0	Volunteer firemen for watching duties at fires	2 0 0
General Assurance Co. of London	4 2 1	Petty expenses	14 19 2
New South Wales Assurance Corporation	15 17 5	Refund National of New Zealand	0 3 5
	1,472 0 1	„ Liverpool, London, and Globe	0 6 10
Insurance Companies watching duties at fires	47 18 7	Law expenses	14 5 0
Municipal Councils—		M. F. B. Benefit Club	20 2 2
City of Sydney	702 4 9	Repairing pavement, No. 1 Station	15 16 4
Alexandria	20 13 8	Insurance on Stations	10 10 0
Ashfield	42 17 6	Valuation fees	4 4 0
Balmain	66 3 1	Extra clerical assistance	26 5 0
Burwood	23 13 1	Sundries, under £1	4 4 3
Camperdown	12 13 0		112 16 2
Darlington	10 10 6	Subsidies to Volunteer Companies—	
Five Dock	7 18 10	Paddington	75 0 0
Glebe	54 0 8	St Leonards	100 0 0
Leichhardt	36 13 0	Glebe	75 0 0
Macdonaldtown	10 0 6	Waterloo	50 0 0
Manly	25 12 10	Redfern	37 10 0
Marrickville	34 3 4	Standard Brewery	30 0 0
Newtown	49 10 9	Woollahra	65 0 0
Paddington	54 6 11	Darlington	20 0 0
Parramatta	25 17 3	Newtown	37 10 0
Petersham	35 0 1	Balmain	100 0 0
Randwick	26 17 6	Parramatta (No. 1)	37 10 0
Redfern	53 3 8	„ (No. 2)	37 10 0
St. Leonards	30 10 2	Burwood	50 0 0
St. Leonards East	24 17 8	Manly	18 15 0
St. Peters	11 10 4	Alexandria	50 0 0
Victoria	13 13 10	North City	50 0 0
Waterloo	24 8 6	Paddington Brewery	28 0 0
Waverley	33 11 10		911 15 0
Willoughby North	19 12 0	Balance—	
Woollahra	45 2 8	Mercantile Bank	2,822 8 10
	1,499 18 0	Superintendent's watching account	20 0 0
charged to and received from the members of the Brigade	193 18 4	„ petty cash	19 19 6
Premiums from firemen on account of life policies	21 16 6		2,862 8 4
Sale of two horses	31 0 0		
Fines received from members of the Brigade	9 6 0		
Zoological Society	10 10 0		
	£8,030 9 2		£8,030 9 2

I hereby certify that I have this day examined and compared the books, vouchers, and accounts of the Fire Brigades Board for the half-year ending 31st December, 1887, also statement of receipts and expenditure herein, and find that the same are correct.—JAMES C. TAYLOR, Public Accountant.

19th January, 1888.

Adopted, 20th January, 1888.

CHARLES BOWN, Chairman.
WILLIAM AGER, Secretary.

SUMMARY OF RECEIPTS AND EXPENDITURE for the Year ending 31st December, 1887.

	For half-year ending 30th June, 1887.	For half-year ending 31st Dec., 1887.	Total for the year.		For half-year ending 30th June, 1887.	For half-year ending 31st Dec., 1887.	Total expen- diture for the year 1887.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
RECEIPTS.				EXPENDITURE.			
31st December, 1886.				Plant, stores, and fuel,	781 7 10	331 9 7	1,119 17 5
Balance in bank	£3,049 18 3			Printing, stationery, and postage	45 14 7	35 6 9	81 1 4
Supt. petty cash	11 13 4			Rent	300 10 0	300 10 0	601 0 0
„ watching duties ..	16 4 0			Taxes	48 5 0	44 15 0	93 0 0
			3,077 15 7	Lighting	80 5 1	101 3 1	181 8 2
Contributions per Treasury	1,500 0 0	1,500 0 0	3,000 0 0	Clothing, boots, &c.	17 19 5	250 8 6	268 7 11
„ „ Insurance Companies ..	1,527 19 11	1,472 0 1	3,000 0 0	Board fees	150 0 0	150 0 0	300 0 0
„ „ Municipal Councils ..	1,500 1 3	1,499 18 9	3,000 0 0	Salaries	2,506 0 6	2,442 7 0	4,948 7 6
„ „ Private Firms per arrangement	2 7 6		2 7 6	Horses, maintenance, &c.	167 12 2	115 1 7	282 13 9
Charges for watching duties per Insurance Companies	57 6 3	47 13 7	105 4 10	Fire alarms, telephones, &c.	84 5 10	239 6 6	323 12 4
Sale of old plant	49 14 6		49 14 6	Working engines at fires	0 4 0	4 11 0	9 5 0
Surety re A. J. L. Bone's guarantee	500 0 0		500 0 0	Rewards for calls	4 14 0	0 10 0	0 19 0
Life premiums,—received from members of Brigade	22 5 4	21 16 6	44 1 10	Assistance rendered	0 9 0	0 10 0	21 7 8
Rent for firemen's quarters in stations	190 18 4	193 18 4	384 16 8	Cab hire and cartage	8 10 11	12 16 9	17 2 0
Fines	21 10 7	9 6 0	30 16 7	Rewards to turncocks	13 10 0	3 12 0	102 3 6
Sundries	20 3 0	10 10 0	30 13 0	Life premiums	21 18 7	80 4 11	15 7 0
Sale of horses		31 0 0	31 0 0	Fire stations, repairs to	15 7 0		21 13 8
To balance in Bank, &c., &c., 31st Decem- ber, 1886	5,392 6 8	4,786 8 3	10,178 14 11	M.F.B. Benefit Club	21 13 8		12 17 6
			3,077 15 7	Darlington M. C., overcharged assessment	12 17 6		1,776 15 0
			£ 13,256 10 6	Subsidies to Volunteer Fire Companies ..	895 0 0	913 15 0	192 12 5
				Miscellaneous expenses	79 16 3	112 16 2	5 0 0
				Guarantee premiums		5 0 0	25 0 0
				Auditors' Fees		25 0 0	
				To balance—			
				Bank	£2,822 8 10		
				Superintendent	19 19 6		
				Supt. watching duties ..	20 0 0		
							2,862 8 4
							£ 13,256 10 6

Adopted 3rd February, 1888.

Certified correct—

JAMES C. TAYLOR, Auditor.

CHARLES BOWN, Chairman.

WILLIAM AGER, Sec. F.B.B.

Mr. Superintendent Bear's Report.

To the Fire Brigades Board,—
Gentlemen,

Metropolitan Fire Brigade, Sydney, 8 January, 1888.

I do myself the honor to submit to your Board herewith my Fourth Annual Report of the working and general efficiency of your Brigade, and the Volunteer Fire Companies, together with the details of fires attended in the city and suburbs of Sydney for the year ending 31st December, 1887.

The total number of alarms received for fires or supposed fires were 230; of these 14 were false alarms; 9 proved to be only chimney alarms; and 207 were actual fires. Of the actual fires, 174 were slight or trifling; 18 were serious; and 15 resulted in total destruction.

Of the 207 actual fires, 148 were insured; 21 not insured; and in 38 instances insurances on the buildings or contents could not be ascertained.

In addition to the ordinary fires there have been 51 chimney fires requiring the attendance of firemen with hand-pump only; making an aggregate total of 281 calls for fires, false alarms, and chimneys on fire.

The fires of 1887 compared with those of 1886 show an increase of only two. In chimney fires attended with engines a decrease of 4; chimney fires attended by firemen with hand-pump, an increase of 24; and in false alarms, a decrease of 18.

In fires which were slight, there has been an increase of 24; in serious, a decrease of 3; and in fires which resulted in total destruction, a decrease of 19. It may be here recorded, as in former reports, that in the latter class of fires, the majority were comparatively small as regards the extent of damage done, such as shed buildings, and weatherboard cottages, &c.

I have drawn out and attached detailed statement of the various fires attended by the Brigade, the Volunteer Companies, and those unattended by Brigades, but which have been reported to the Brigade from various sources.

In each of the latter cases, however, a member of your Brigade was sent to obtain the necessary particulars.

The various summaries appended show the particular dates, time of calls, time of outbreak, trades, localities, insurances, hourly and daily, weekly and monthly, &c.

There is also appended a summary of the "Origin of Fires" for the past ten years, viz., from 1878 to 1887, both years inclusive, together with a comparison of all calls received during the same period.

Referring to the summary of localities it will be noticed that in the City of Sydney alone there were 154 calls—105 of which were actual fires, 9 false alarms, 5 chimney fires reported as houses on fire, and 35 chimneys attended by firemen with hand-pump only.

Of the actual fires in the city there were in Denison Ward, 21; Macquarie, 18; Bourke, 16; Cook, 15; Phillip, 12; Fitzroy, 10; Gipps, 7; and Brisbane, 6. In the suburbs there were 127 calls—of which 102 were actual fires, 5 were false alarms, 4 were chimneys reported as houses on fire, and 16 were chimneys attended with hand-pump only. The suburbs affected in regard to actual fires only, were as follows, viz.:—Newtown, 12; Paddington, 10; Glebe, 9; Balmain and Petersham, 7 each; Redfern and Alexandria, 6 each; Marrickville, 5; Burwood, Waterloo, Woollahra, and Macdonaldtown, 4 each; Camperdown, Darlington, Ashfield, and Manly, 3 each; St. Leonards East, Waverley, and Botany, 2 each; Five Dock, Victoria, Leichhardt, Parramatta, St. Leonards, and Arncliffe, 1 each.

Of the 60 chimney fires, 20 of them happened in dwellings belonging to poor persons, therefore proceedings were not taken against them in accordance with the 66th section of the "City of Sydney Improvement Act," 8 persons were fined in the aggregate amount of £9 and costs, 7 persons have not been summoned, and the remainder, 16, being outside of the city boundary, were not amenable to the said Act.

In summarizing the trades the following will be observed, that private dwellings have been mostly affected by fires, the number being 62 for all classes of damage; but taking the actual trades into consideration, the most notable stand in the following order, viz.: Grocers, 12; drapers and milliners and licensed victuallers, 9 each; tailors, 6; general dealers, stables, and tobacconists, 5 each; boarding-houses, fruiterers and greengrocers, 4 each; the respective numbers of each other trade affected is less than the last-mentioned figures, and are to be found in the "Summary of Trades."

I regret to inform your Board that during the past year the following casualties occurred, by which the under-mentioned persons were injured or their lives seriously endangered by fire, although I am pleased to say that, comparing the previous year, 1886, with that of 1887, the average has very much decreased.

April 5th—At Cavendish-street, Stanmore. Thomas Norton, aged 50; Robert Berry, aged 25; Mary Norton, aged 20; very severely burned on hands, face, and body, caused by gas explosion. Thomas Norton succumbed to his injuries; the others have since recovered.

July 3rd—At Queen-street, Woollahra. August Beil, aged 31; severely burned on hands and body; since recovered.

August 1st—At 815, George-street. John Hughes, aged 41 years; severely burned on face, hands, and legs; has since recovered.

September 21st—At Gowrie-street, Newtown. F. R. Laslett; very severely burned on hands, face, and neck; has since recovered.

September

11

- September 25th—At Erskineville Road, Macdonaldtown. William Simpson, severely burned on hands; has since recovered.
 October 19th—At 379, King-street Newtown. Mrs. Stead, wife of occupant, severely burned on hands; since recovered.
 December 8th—At Shepherd-street, Redfern. Mary Muir, aged 16; slightly burned on back and legs; has since recovered.
 December 12th—At 365, Pitt-street. John Wilkinson, aged 28 years; severely burned on hands, face, and body; since dead.

The following comprises the most important fires that have taken place during the year, viz. :—

- January 17th—Messrs. T. H. Bailey, 6, Queens-place, City.
 March 15th—C. Fraenkel, 869, George-street, City.
 March 26th—Cornelius Walsh, Weston-street, Balmain.
 April 7th—Messrs. Faeshe and Co., 36, Pitt-street, City.
 April 22nd—Unoccupied (P.D.), 41 and 43, Campbell-street, Newtown.
 May 3rd—Messrs. Gregory and Eastwood, corner of Burwood Road and William-street, Burwood.
 May 11th—Michael Tierney, 56, Lower Campbell-street, Surry Hills.
 May 22nd—Messrs. M. Crockett and Co., 31, Parramatta Road, Glebe.
 May 27th—John Atkinson, 506, George-street, City.
 June 19th—Messrs. Jas. Lawson and Sons, 20, King-street, Newtown.
 July 9th—Unoccupied warehouse, 16 and 18, Barrack-street, City.
 July 30th—Messrs. Lloyd and Collins, 306 and 308, George-street, City.
 August 4th—Aaron Leichtenstein, 165, King-street, Newtown.
 August 17th—James Thompson, The Corso, Manly
 August 25th—Messrs. Wallace and Co., 251, Clarence-street, City.
 September 9th—New South Wales Government Railways, Railway viaduct, Petersham.
 September 15th—Unoccupied dwellings (4), 31, Chambers-street, Glebe.
 September 22nd—Messrs. Happ Bros., Burwood Road, Burwood.
 October 16th—Messrs. C. Davis and Co., butterine factory, Parramatta Road, Five Dock.
 December 12th—J. W. Flanagan, Ultimo-street, City.
 December 22nd—Messrs. A. Hordern and Sons, Great Buckingham-street, Redfern.

The strength of the Brigade is as follows :—

- | | |
|----------------------------------|--|
| One large steam fire-engine. | Three hose reels |
| Five small steam fire-engines. | 13,811 ft. of 2½ in. hose, all in good condition |
| One 7-inch manual engine. | 5 horses (2 short of the complement) |
| Three 6-inch manual engines | 32 telephones, 6 fire alarms on circuit |
| Four under 6-inch manual engines | 2 fire alarm telephones |
| Two telescopic ladders | 30 firemen, including superintendent, principal foreman, and coachman. |
| One ladder van | |
| One hose van | |

And I may again state that your Board's Secretary, Mr. Wm. Ager, attends fires in general.

The undermentioned Volunteer Fire Companies hold plant on loan from your Board, viz. :—

Alexandria Volunteer Fire Company.	Manly Volunteer Fire Company.
Burwood " "	St. Leonards " "
Leichhardt " "	

Three Volunteer Fire Stations are also vested in the hands of your Board.

The following comprise the whole of the Volunteer Fire Companies within your Board's jurisdiction :—

No. 1 Volunteer Fire Company. Has not turned out for fires for some considerable time past.

No. 2 " " " " " " " " "

Alexandria Volunteer Fire Company. Subsidized by your Board.

Balmain (2 stations) " " "

Burwood " " "

Glebe " " "

Darlington " " "

Leichhardt " Not subsidized.

Manly " Subsidized by your Board.

Newtown " " "

North City " " "

Paddington " " "

Paddington Brewery " " "

Parramatta (No. 1) " " "

Parramatta (No. 2) " " "

Redfern " " "

St. Leonards (2 stations) " " "

Standard Brewery " " "

Theatre Royal " Not subsidized this year.

Waterloo " Subsidized by your Board.

Waverley Branch " " "

Woollahra " " "

During the year the late No. 4 Volunteer Fire Company removed and re-organized under the name of "Darlington."
 The late No. 5 Volunteer Fire Company amalgamated with the Paddington Brewery Volunteer Fire Company, but not being able to agree, disbanded. No. 2 Company, Woollahra, also disbanded during the year.

The North City and Leichhardt are two newly formed Companies. The latter Company has been found plant by your Board, but not yet subsidized, owing to inefficiency.

During last year the Manly Volunteer Fire Company has been supplied by your Board with a new 5-inch manual engine and plant, to suit the requirements of that district.

The approximate value of your Board's stations (exclusive of the new Central Fire Station in Castlereagh-street) and plant is £22,364, the whole of which is in first-class condition.

The undermentioned are the whole of the members in the Metropolitan Fire Brigade on the 31st of December, 1887 :—

Name.	Rank.	Date of Appointment.	Where Stationed.
William Douglas Bear.....	Superintendent of Fire Brigades, and Kerosene Inspector.	May, 1884	No. 1, Central Station.
William Bouch	Principal Foreman	1 May, 1885	" "
Edward Ashdown.....	Foreman	1 July, 1884	Officer in charge, No. 2 Station.
William M'Knight	Engineer	1 " "	No. 1, Central Station.
John M'Knight	" "	1 " "	" "
John Snelson.....	1st Class Fireman and Acting Foreman.	14 " "	Officer in charge, No. 3 Station.

Name.	Rank.	Date of Appointment.	Where Stationed.
George Gray	Fireman, 2nd Class	1 July, 1884	No. 2 Station.
Thomas Mackie	" "	1 " "	No. 1 "
Charles Brown	" "	1 " "	No. 2 "
Joseph Stanchell	" "	1 " "	" "
Solomon Samuels	" "	1 " "	No. 1 "
William Hendry	" "	1 Aug., "	" "
James Hancock	" "	1 " "	No. 2 "
John Ford	" "	1 " "	No. 1 "
Sydney Watson	" "	1 Jan., 1885	No. 2 "
George Hall	" "	1 " "	No. 1 "
George Lang	" "	7 " "	" "
Thomas Gordon	" "	3 " "	" "
Frederick W. Fisher	" "	11 May, "	" "
James H. Scattergood	" "	4 June, "	" "
Thomas Horn	" "	14 " "	No. 3 "
Samuel Holman	3rd Class	9 Feb., 1886	No. 1 "
Reginald C. Grain	2nd Class	8 " "	No. 2 "
Thomas Holland	" "	17 May, 1886	No. 3 "
Richard Dalton	" "	14 June, "	No. 1 "
John Goodhead	" "	7 " "	" "
Robert W. Nash	3rd Class	1 Jan., 1887	No. 3 "
John C. Kellett	" "	2 May, "	No. 1 "
Charles W. Bowers	" "	1 " "	No. 2 "
John Smith	Coachman	1 July, 1885	No. 1 "
William South	Messenger	1 " 1884	" "

During the past year two members, viz. :—Frederick Kirchen and Alfred Jackson resigned their appointments, and Richard I. Barratt was discharged by your Board for misconduct.

Again I feel it my bounden duty to point out to your Board the absolute necessity of having fresh sections added to the "City of Sydney Improvement Act," which could in some way restrict the erection of buildings having such enormous cubical capacity, some of which range up to a height of 115 feet, with no hoop-iron bond to hold the walls together in case of fire. Some of these buildings have only narrow lanes or very narrow streets intervening, and in particular instances bridges have been placed across a narrow lane, thereby making a positive connection in case of fire.

I have to draw your Board's immediate attention to another very dangerous practice of erecting buildings, the propriety of which should be dealt with as soon as possible. It is the construction of corner buildings supported on cast-iron columns alone, and in some cases having lean-to walls. If a fire was to take place in a building of this kind, at the corner of a street, the probable chances are that not only the building itself would be destroyed but others in its immediate vicinity, by the whole structure bodily falling down through the cast-iron columns giving way, either by the heat or by sudden contraction when the water touches them.

I may also mention that in many cases where these large buildings exist, and others about to be erected, very small watermains run through the streets not at all adequate to the requirements should an emergency arise.

If buildings are still erected to such a proportionate degree as in the years 1885, 1886, and 1887, very dangerous consequences must result, as it is impossible for any fire department to deal effectually with such buildings especially when in close proximity to others, more so when it is known that much cast and wrought iron and stone is used together with soft woods instead of hard. The latter I have always advocated as being much more suitable for both wear and tear and for actual fire-resisting in the warehouse class of buildings.

Rapid communication and promptness in turning out the Brigade and the different Volunteer Fire Companies has no doubt been the cause of greatly minimising the spread of fire to a very great extent in such a large city with municipalities surrounding it. I have, however, to point out the positive necessity of having a much better water pressure for this city and suburbs than exists at present, and also to have fullway screw-down hydrants adopted instead of the ball hydrant which is now in use.

To show to your Board to what extent the drawing off is on the Paddington watermain, and its inability to be at all equal to the requirements of this city, I have caused the pressure to be taken in all parts of the city, where this main reticulates, at different times of the day during the past year, and at many places during the forenoon, where the pressure should have been 58 to 70 lb. on the square inch in accordance with the relative height of the reservoir, I have only got pressure averaging from 10 lb. and upwards, showing clearly that the Paddington watermain is no way large enough.

A large number of the Crown-street watermains reticulating through the back streets are also much too small for the growing requirements of the city and suburbs in case of fire; and I may be allowed to point out that in consequence of the high price of land in the main thoroughfares huge and lofty warehouses are rapidly being built up in localities where there is not the least chance of saving them if a fire did break out.

I may here add that a large water main has been reticulated round this city during the past year, which will be a benefit if others are laid in a proportionate degree from it.

Considering the advantages we have in the reservoirs being only a short distance from the heart of the city, viz., Waverley, Woollahra, Paddington, and Crown-street; their respective heights being 360 feet, 280 feet, 215 feet, and 140 feet above high-water level and the cheapness of pumping-up enormous quantities of water to higher levels with modern machinery, it is not surprising to find visitors to this city ridiculing our arrangements for putting out fires with steam fire-engines, when these natural advantages exist for a supply by gravitation for extinguishing fires to all parts of the city, and also its suburbs having contiguity to the same.

I need hardly point out that if this state of things continues with the present and future growth of the city and its suburbs, the cost of your fire department will have to be hereafter augmented to a very large extent, by the mere excitement of the people, when suffering from large fires, which must be the result of building up in such a careless system large warehouses, &c., whereas if a proper water system was at once brought into operation by putting the city and its suburbs into certain districts in accordance with its different levels as is done in America and other older countries, having a good head of water and good flow to each, with a reserve in case of need of giving the next best head of water, the water system would be complete for years to come, and it would be the means of most of our warehousemen being able to protect more effectually the upper floors of their own warehouses by having their own fire appliances, and would probably be the means of saving hereafter a vast amount of property from loss by fires, and less cost for the support of a fire department, and which might prove also to be a great benefit to the ratepayers in general, in the way of lowering the premiums on fire insurance policies, should the fire insurance companies, as is most probable, decline altogether or charge high rates for the warehouses which are being projected in various parts of the city.

At present there are fire insurance companies which will not touch some of the existing warehouses. What will happen when buildings of 15 stories are designed?

The No. 2 and 3 Brigades Stations, together with most of the Volunteer Fire Stations (Burwood, Manly, Parramatta and North City Volunteer Fire Companies excepted), the various police stations, through the Central Police Station, Her Majesty's Theatre, and the turncock's quarters at the Town Hall are in direct telephonic communication with the Central Fire Station. The various wharves, warehouses, and other business houses, besides many public buildings are in a like manner connected with the Central Fire Station, though indirectly through the Telephone Exchange at the G.P.O., which is open to receive and transmit to the Central Fire Station, calls for fires at any hour of the day or night.

During the year the late telephone wire, previously running to the York-street Volunteer Fire Station, was disconnected and extended to the corner of York and King Streets, where a fire alarm telephone was erected. This has already been the means of saving a warehouse in that locality. Telephonic

Telephonic communication has been established between the two stations of the St. Leonards Volunteer Fire Company, one of which has also been similarly connected to the St. Leonards Police Station, thereby allowing our Central Fire Station to be in communication with the four municipalities on the North Shore, *via* the Central Police Station.

The spare wire from the Central Fire Station, which was left when the Redfern Volunteer Fire Company's line was cut and run into the No. 2 Station, George-street West, has been extended to the Railway Telegraph Department at the Railway Terminus, thereby being the means of giving us the opportunity of early telephonic communication of all fires along railway lines.

The station of the Darlington Volunteer Fire Company has been placed in direct telephonic communication with the No. 2 Station, George-street West, and shortly I shall have the latter station placed in a like communication with the Council Chambers at Camperdown, in order to facilitate speedy calls of fires being given in these districts.

The Municipal Council Chambers at Marrickville has been connected by telephone with the No. 3 Station, Marrickville; and the wire has been extended to the corner of the Marrickville and Illawarra Roads, Marrickville; and also to the corner of the Parramatta Road, and Norton-street, Leichhardt; at each of which points a fire-alarm telephone has been erected.

The Leichhardt Volunteer Fire Station, and also your Chairman's residence (which stands about the centre of Petersham), have been similarly connected by telephone.

Taking all the above mentioned extensions into consideration, irrespective of telephones direct, I still have fifteen spare shutters on the exchange boards at each respective station, viz. :—

	Total No. on Board.	In use.	Spare.
No. 1 Station	30	21	9
„ 2 „	10	5	5
„ 3 „	6	5	1
Total for further extensions.....			15

I have very much pleasure in stating that our new Head Quarters Fire Station is fast drawing to completion, and I have every reason to believe that we shall be able to quit the old one for the new during the early part of the present year. I may state that I consider this station will be found a great acquisition to the city and suburbs, not only for its thorough completeness in every degree for the expedition of engines and men turning out to fires, but also for the bringing of our several volunteer comrades socially together for the purpose of drill, &c., and engendering a good feeling all round with the brigade.

Your Board's business also being carried on under the same roof, will assist materially to lower the cost of working the whole in the future.

Through your Board I desire to thank the whole of the officers and members of the various Volunteer Fire Companies for their valuable co-operation and assistance during the past year.

And I have again much pleasure in recording that the whole of the Volunteer Fire Companies throughout, have worked when at fires in complete harmony both with the Metropolitan Fire Brigade and also amongst themselves in general.

I have also much pleasure in again offering your Board my sincere acknowledgment for the great support it has given me on all occasions. And I also wish to express my obligations to the officers and members of the Police Force, the City Turncocks, and the citizens in general.

In conclusion, I have to state that the condition of the Brigade with regard to discipline and general efficiency is very satisfactory.

I have, &c.,

WILLIAM D. BEAR,

Superintendent, M.F.B., & Kerosene Inspector.

SUMMARY of Localities.

City and Suburbs of Sydney.	Class of Fire.									Total Fires.	False Alarms.	Chimney Alarms.		Grand Total.
	Slight.			Serious.			Total.					Attended with engine and reported as house fires.	Attended with hand-pump only.	
	In-sured.	Not in-sured.	Un-known.	In-sured.	Not in-sured.	Un-known.	In-sured.	Not in-sured.	Un-known.					
CITY—														
Bourke Ward	11	1	2	2	...	...	...	...	...	16	2	...	...	18
Brisbane „	2	...	1	3	...	...	...	...	...	6	2	1	10	19
Cook „	9	1	4	1	...	...	...	...	...	15	...	...	4	19
Denison „	12	1	6	1	1	...	...	...	...	21	...	1	8	30
Fitzroy „	5	...	4	...	...	...	1	...	...	10	1	...	3	14
Gipps „	3	1	2	...	...	...	1	...	...	7	1	...	...	8
Macquarie „	13	2	1	2	...	...	...	...	...	18	3	1	4	26
Phillip „	8	1	3	...	...	...	...	...	...	12	...	2	6	20
SUBURBS—														
Alexandria	3	...	2	...	1	...	...	...	...	6	...	...	...	6
Arncliffe .....	...	...	...	...	...	...	1	...	...	1	...	...	...	1
Ashfield	2	...	...	...	...	...	1	...	...	3	1	...	...	4
Balmain	2	2	1	1	...	...	1	...	...	7	...	...	...	7
Botany	2	...	...	...	...	...	...	...	...	2	...	...	...	2
Burwood	2	...	...	...	...	...	2	...	...	4	...	...	...	4
Camperdown.....	1	...	1	...	...	...	1	...	...	3	...	...	...	3
Darlington.....	2	...	...	...	...	...	1	...	...	3	...	...	...	3
Five Dock.....	...	...	...	...	...	...	1	...	...	1	...	...	...	1
Glebe.....	5	...	1	1	1	...	1	...	...	9	1	...	...	10
Leichhardt	1	...	...	...	...	...	...	...	...	1	...	...	...	1
Macdonaldtown	2	...	1	...	...	...	1	...	...	4	...	...	...	4
Manly .....	...	1	1	...	...	...	1	...	...	3	...	...	1	4
Marrickville.....	4	1	...	...	...	...	...	...	...	5	2	...	...	7
Newtown	7	...	1	2	...	...	1	1	...	12	1	1	...	14
Paddington.....	7	1	2	...	...	...	...	...	...	10	...	1	9	20
Parramatta	1	...	...	...	...	...	...	...	...	1	...	...	1	2
Petersham.....	4	1	1	...	1	...	...	...	...	7	...	...	...	7
Redfern	1	1	3	1	...	...	...	...	...	6	...	...	...	6
St. Leonards	1	...	...	...	...	...	...	...	...	1	...	...	...	1
St. Leonards East	2	...	...	...	...	...	...	...	...	2	...	...	...	2
Victoria	1	...	...	...	...	...	...	...	...	1	...	...	...	1
Waterloo	3	...	1	...	...	...	...	...	...	4	...	1	...	5
Waverley	1	1	...	...	...	...	...	...	...	2	...	1	...	5
Woollahra.....	3	1	...	...	...	...	...	...	...	4	...	...	2	7
	120	16	38	14	4	...	14	1	...	207	14	9	51	281

SUMMARY of Trades for 1887.

Trades, &c.	Class of Fire.									Grand Total.
	Slight.			Serious.			Total.			
	Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	
Auctioneers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Bedding manufacturers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Butterine factory.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
Boarding-houses	3	.....	1	.....	.....	.....	.....	.....	.....	4
Brewers.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Butchers	3	.....	.....	.....	.....	.....	.....	.....	.....	3
Bakers	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Brickmakers .....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Billiard saloons	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Cab, omnibus, and van proprietors .....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Carpenters .....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
China and glass ware dealers ...	2	.....	.....	.....	.....	.....	.....	.....	.....	2
City Night Refuge and Soup Kitchen.	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Contractors	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Confectioners, wholesale & retail.	3	.....	.....	.....	.....	.....	.....	.....	.....	3
Coopers .....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Clothiers	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Cabinet-makers .....	.....	.....	1	.....	.....	.....	.....	1	.....	2
Costumiers	1	.....	1	.....	.....	.....	.....	.....	.....	2
Cordial manufacturers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Drapers and milliners.....	7	1	.....	1	.....	.....	.....	.....	.....	9
Dressmakers.....	1	.....	1	.....	.....	.....	.....	.....	.....	2
Dyers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Fancy goods dealers	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Fruiterers and greengrocers	1	1	2	.....	.....	.....	.....	.....	.....	4
Furniture dealers.....	1	.....	.....	.....	.....	.....	1	.....	.....	2
Farmers.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
General dealers	4	.....	1	.....	.....	.....	.....	.....	.....	5
Grocers	8	.....	.....	1	.....	.....	3	.....	.....	12
General importers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Government railway and tramway sheds.	.....	2	.....	.....	1	.....	.....	.....	.....	3
Hairdressers.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Halls, music, &c.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Hay and corn dealers.....	1	.....	.....	1	1	.....	.....	.....	.....	3
Ironmongers.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Ironfounders	1	.....	1	.....	.....	.....	.....	.....	.....	2
Jewellers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Licensed victuallers	6	1	2	.....	.....	.....	.....	.....	.....	9
Masons, monumental	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Mercers and glovers .....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Offices	2	.....	.....	1	.....	.....	.....	.....	.....	3
Oil and colour merchants .....	.....	.....	.....	1	.....	.....	1	.....	.....	2
Outhouses	1	.....	1	.....	.....	.....	.....	.....	.....	2
Oyster saloons	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Packing case-makers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Pawnbrokers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Picture frame-makers.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Plumbers and gasfitters	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Private dwellings	27	2	20	1	1	.....	2	.....	.....	53
" (unoccupied).....	4	1	2	1	.....	.....	1	.....	.....	9
Printers	1	.....	1	.....	.....	.....	.....	.....	.....	2
Provision dealers.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Produce merchants.....	1	.....	.....	1	.....	.....	.....	.....	.....	2
Photographers .....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Refreshment saloons	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Restaurants .....	.....	.....	1	.....	.....	.....	1	.....	.....	2
Rope-makers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Saddle and harness-makers	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Schools (denominational or otherwise).	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Shops (unoccupied).....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Stables livery or otherwise	2	1	.....	.....	.....	.....	2	.....	.....	5
Stationers and booksellers.....	1	.....	1	.....	.....	.....	.....	.....	.....	2
Storekeepers.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Soft goods warehousemen .....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Tailors	4	1	1	.....	.....	.....	.....	.....	.....	6
Tobacconists.....	2	.....	1	.....	.....	.....	2	.....	.....	5
Universal providers .....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Warehouses (unoccupied) .....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Woollen manufacturers.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Wool stores	1	.....	.....	.....	.....	.....	.....	.....	.....	1
	120	16	38	14	4	.....	14	1	.....	207

HOURLY and Daily Summary of Calls for 1887.

Hour.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Total.
A.M. 1st	3	...	3	1	2	1	4	14
" 2nd	4	3	...	1	4	1	3	16
" 3rd	2	1	1	3	1	1	1	10
" 4th .....	...	1	1	3	3	1	2	11
" 5th .....	...	3	3	...	...	...	3	9
" 6th .....	...	...	...	...	1	1	...	2
" 7th	1	...	1	...	...	...	...	2
" 8th	1	...	...	1	1	...	...	3
" 9th .....	...	2	1	1	1	...	2	7
" 10th	2	...	...	1	...	1	...	4
" 11th .....	...	2	...	1	2	1	2	8
" 12th	2	1	4	1	...	1	2	11
P.M. 1st	1	...	1	1	1	1	2	7
" 2nd	3	2	...	...	1	2	4	12
" 3rd	3	1	2	...	2	1	1	9
" 4th	2	2	...	1	1	2	1	9
" 5th	2	4	2	...	...	2	1	11
" 6th	1	1	1	3	2	1	...	9
" 7th	5	6	...	6	2	4	2	25
" 8th	4	3	4	2	1	6	2	22
" 9th	4	5	3	3	2	4	2	24
" 10th	3	3	2	3	3	3	5	21
" 11th	3	...	1	2	3	1	6	16
" 12th .....	...	4	1	...	1	5	8	19
	46	44	31	34	32	41	53	281

WEEKLY Summary of Calls for 1887.

Week.	False Alarms.	Chimney Alarms.	Fires.	Total.	Week.	False Alarms.	Chimney Alarms.	Fires.	Total.
1st ending Jan. 8th...	...	...	5	5	Brought forward...	6	23	103	132
2nd " " 15th...	...	...	2	2	27th ending July 9th...	1	...	4	5
3rd " " 22nd...	1	...	2	3	28th " " 16th...	...	2	3	5
4th " " 29th...	...	...	4	4	29th " " 30th...	...	3	2	5
5th " Feb. 5th...	...	...	2	2	30th " " 30th...	...	4	2	6
6th " " 12th...	...	...	1	1	31st " Aug. 6th...	1	7	4	12
7th " " 19th...	...	1	1	2	32nd " " 13th...	2	2	4	8
8th " " 26th...	...	1	1	2	33rd " " 20th...	...	1	4	5
9th " Mar. 5th...	...	1	4	5	34th " " 27th...	...	4	5	9
10th " " 12th...	...	1	4	5	35th " Sept. 3rd...	...	1	5	6
11th " " 19th...	...	...	5	5	36th " " 10th...	1	2	5	8
12th " " 26th...	1	...	4	5	37th " " 17th...	...	1	2	3
13th " April 2nd...	...	...	4	4	38th " " 24th...	...	1	8	9
14th " " 9th...	...	...	4	4	39th " Oct. 1st...	...	2	5	7
15th " " 16th...	...	1	3	4	40th " " 8th...	1	...	2	3
16th " " 23rd...	1	...	4	5	41st " " 15th...	...	...	3	3
17th " " 30th...	...	...	5	5	42nd " " 22nd...	...	2	11	13
18th " May 7th...	1	1	6	8	43rd " " 29th...	...	...	2	2
19th " " 14th...	...	...	6	6	44th " Nov. 5th...	1	...	4	5
20th " " 21st...	...	3	5	8	45th " " 12th...	...	...	3	3
21st " " 28th...	2	3	10	15	46th " " 19th...	1	2	1	4
22nd " June 4th...	...	2	3	5	47th " " 26th...	...	1	4	5
23rd " " 11th...	...	1	5	6	48th " Dec. 3rd...	...	1	3	4
24th " " 18th...	...	...	2	2	49th " " 10th...	...	...	8	8
25th " " 25th...	...	4	9	13	50th " " 17th...	...	1	5	6
26th " July 2nd...	...	4	2	6	51st " " 24th...	...	...	2	2
	6	23	103	132	52nd " " 31st...	...	...	3	3
Carried forward ...	6	23	103	132		14	60	207	281

MONTHLY Summary of Calls for 1887.

Months.	False Alarms.	Chimney Alarms.		Class of Fire.									Grand total.
		Attended with engines, reported as house fires.	Attended with hand-pump only	Slight.			Serious.			Total.			
				Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	Insured.	Not insured.	Insurance unknown.	
January	1	.....	.....	7	2	5	1	...	.....	...	...	.....	16
February .....	...	1	2	3	...	.....	...	...	.....	...	...	.....	6
March	1	.....	1	12	...	4	2	...	.....	2	...	.....	22
April	1	.....	2	14	...	1	2	...	.....	...	...	.....	20
May	3	1	6	13	4	7	3	...	.....	1	...	.....	38
June .....	...	2	7	12	1	3	...	.....	1	1	...	.....	27
July	2	1	10	9	...	1	2	...	.....	1	...	.....	26
August	2	1	13	8	1	3	1	1	.....	4	...	.....	34
September	1	1	5	14	1	5	1	1	.....	2	...	.....	31
October	2	.....	2	11	3	3	...	.....	2	...	.....	.....	23
November	1	2	2	8	1	3	...	1	.....	1	...	.....	21
December .....	...	.....	1	9	3	4	2	1	.....	1	...	.....	17
	14	9	51	120	16	38	14	4	.....	14	1	.....	281

COMPARISON of Calls for the years 1878 to 1887.

	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	Total.
False alarms	38	33	36	35	39	60	50	42	32	14	379
Chimney alarms.....	245	174	192	117	60	45	46	64	40	60	1,043
Fires, slight	62	54	57	54	75	80	91	160	150	174	957
,, serious	7	5	4	12	12	10	15	13	21	18	117
,, total destruction	14	10	18	25	26	14	23	23	34	15	202
	366	276	307	243	212	209	225	302	277	281	2,698

LIST of causes of Fires for Ten Years.

Causes.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	Total
Asphalte, overheat of .....	...	...	...	...	1	...	...	...	...	...	1
Balloon, explosion of.....	...	...	...	1	...	...	...	...	...	...	1
Boiler, overheat of.....	...	...	...	...	1	...	...	...	3	...	4
Boiling over—fat, oil, tar, &c.	2	...	...	...	1	1	2	1	2	3	12
,, glue.....	...	...	...	...	1	...	1	...	...	...	2
,, varnish .....	...	...	...	...	1	...	...	...	...	1	2
Brickwork of flue defective .....	...	...	...	1	...	...	3	...	...	...	4
,, fireplace defective.....	1	3	1	...	...	3	...	...	...	...	8
Burning rubbish	1	...	1	...	...	...	...	3	1	...	6
Bush fire .....	...	...	...	...	...	...	...	...	...	1	1
Candle	8	5	7	5	10	13	7	40	30	18	143
Chemicals, experimenting with	1	...	...	...	...	...	...	...	...	...	1
,, explosion of.....	...	1	...	...	...	...	...	...	...	...	1
Children playing with matches	2	1	3	2	1	2	2	9	5	8	35
Chimney foul.....	...	...	...	...	...	...	...	1	...	...	1
Coal, overheat of .....	...	...	...	...	...	...	...	...	1	...	1
Coffec, ,, .....	...	...	...	...	...	...	...	1	1	...	1
Coke, ,, .....	...	...	...	...	...	...	...	1	..	...	1
Distilling apparatus, defect in.....	...	...	1	...	...	...	...	...	...	...	1
Doubtful and unknown.....	19	14	31	39	59	36	54	43	58	64	417
Fire, careless use of	1	..	...	2	1	...	1	6	1	2	14
Fire-box of boiler, defect in .....	...	...	...	...	...	...	...	...	1	...	1
Fireplace, wood falling from .....	...	...	1	...	...	...	...	...	3	2	6
Fireworks .....	...	...	1	2	...	...	...	...	3	7	13
Flue, defect in	4	2	...	3	1	2	...	4	4	3	23
,, furnace, overheat of	1	1	...	1	2	1	1	...	...	...	7
,, adjoining, foul .....	...	...	...	...	...	...	2	...	...	...	2
Friction of machinery .....	...	...	...	...	...	...	1	...	...	...	1
Furnace, overheat of .....	...	1	2	...	1	...	2	1	1	2	10
Foundry .....	...	...	...	...	...	...	...	1	1	...	2
Gas bracket or burner	3	2	2	3	1	2	2	3	...	6	24
,, explosion	2	2	4	4	2	...	2	2	...	3	21
,, fittings, defect in .....	...	...	...	...	...	...	...	...	2	2	4
,, heating apparatus, careless use of .....	...	1	...	...	...	...	...	...	1	2	4
,, ,, defect in .....	...	...	...	...	...	...	...	1	...	...	1
,, seeking for an escape of, with light .....	...	...	...	...	...	...	2	3	1	2	8
,, pipe, defect in.....	...	...	...	...	...	6	...	1	2	...	9
,, ,, overheat of .....	...	...	...	...	...	...	...	1	...	...	1
,, ,, rats at .....	...	...	...	...	...	...	...	...	1	...	1
Gasoline apparatus, careless use of.....	...	1	...	...	...	2	...	...	...	...	3
Hearth, defect in .....	...	...	...	...	...	...	1	...	...	...	1
Hot ashes.....	2	2	2	1	...	3	4	4	7	2	27
Incendiarism	1	5	...	3	6	1	2	4	5	6	33
Intoxication.....	2	...	...	1	3	4	1	...	...	1	12
Iron pot for galvanizing, &c., overheat of.....	...	...	...	...	...	1	...	...	...	...	1
Kerosene, carelessness with.....	...	...	...	...	...	1	...	...	1	...	2
,, explosion of .....	...	1	...	...	...	...	...	...	...	...	1
Kiln, overheat of .....	...	...	...	1	...	...	...	...	1	...	2
Lamp, kerosene, carelessness with.....	...	...	1	2	...	1	...	...	...	2	6
,, ,, explosion of	3	2	4	1	...	...	4	1	1	3	19
,, ,, & gasoline, &c., upsetting of	3	1	1	...	1	...	1	...	6	11	24
,, oil, carelessness with .....	...	1	...	...	...	1	1	...	...	...	3
,, Spirit, explosion of .....	...	...	...	...	...	...	1	...	...	...	1
,, upsetting of .....	...	...	...	...	...	...	1	...	...	...	1
Light thrown down .....	...	...	...	...	...	1	7	21	16	14	59
,, coming in contact with curtains .....	...	...	...	...	...	...	...	1	3	1	5
,, ,, ,, goods .....	...	...	...	...	...	...	...	1	...	1	2
Lime slaked by rain .....	...	...	...	1	2	2	...	...	4	1	10

LIST of causes of Fires for Ten Years—*continued.*

Causes.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	Total.
Matches, carelessness with	2	1	2	1	1	4	1	3	2	5	22
„ rats at	1	...	...	5	2	2	2	1	3	1	17
Malt dust, explosion of .....	...	...	...	...	...	...	...	...	...	1	1
Oven, overheat of .....	...	...	...	...	...	...	...	...	6	...	6
Plumber's pot, overheat of .....	...	...	...	...	...	...	...	...	...	1	1
Smoking meat .....	...	1	...	...	...	1	...	...	...	1	3
„ tobacco	2	...	1	2	2	1	5	10	8	16	47
Spark from copper fire .....	...	...	...	...	1	...	1	...	...	...	2
„ forge .....	...	...	1	...	1	...	1	1	...	...	4
„ fireplace	2	1	...	...	...	2	...	5	6	2	18
„ furnace .....	...	...	1	...	2	1	1	...	1	1	7
„ another fire .....	...	...	2	...	1	...	...	...	...	...	3
„ chimney of engine	1	3	...	2	...	...	1	1	...	1	9
„ „ furnace .....	...	...	2	...	1	...	1	1	...	...	5
„ „ house	11	13	8	5	4	7	7	11	3	6	75
Spirit, explosion of	2	...	...	...	1	...	...	...	...	...	3
Spontaneous ignition	4	2	...	2	...	1	1	7	4	1	22
Stove, overheat of	1	1	...	...	1	...	1	1	2	...	7
„ pipe, overheat of .....	...	1	...	...	...	...	...	...	...	...	1
„ gas, „	1	...	...	1	...	2	1	...	...	...	6
„ „ ironing, overheat of .....	...	...	...	...	...	...	...	...	...	1	1
Turpentine, upsetting of .....	...	...	...	...	1	...	...	...	1	...	2
Vapour of spirit coming in contact with flame .....	...	...	...	...	...	...	1	2	3	1	7
Total	83	69	79	91	113	104	129	196	205	207	1,276

SUMMARY of how Calls were reported to the Brigade for 1887.

Call given by .	Fires.	False Alarm.	Chimney Alarms.		Total Calls.
			Reported as House Fires.	Attended with hand-pump only.	
Citizens	54	1	2	37	94
Cabmen	7	...	1	...	8
Police constables (direct from fires)	3	1	...	4	8
Central Police Station (per telephone)	41	4	2	1	48
General Post Office (Telephone Exchange)	11	2	...	...	13
Insurance Companies (information from)	3	...	...	...	3
Account of fires in newspapers	4	...	...	...	4
Night watchmen	4	1	...	...	5
No. 1 Volunteer Fire Company .....	...	...	1	...	1
No. 5 Volunteer Fire Company	2	...	...	...	2
St. Leonards Volunteer Fire Company	3	...	...	...	3
Standard Brewery Volunteer Fire Company	5	...	...	1	6
Balmain Volunteer Fire Company	6	...	...	...	6
Newtown Volunteer Fire Company	13	2	...	...	15
Paddington Volunteer Fire Company	6	...	1	1	8
Paddington Brewery Volunteer Fire Company	5	...	...	...	5
Darlington Volunteer Fire Company	1	...	...	...	1
Pymont Police Station (per telephone)	4	...	...	1	5
Alexandria Volunteer Fire Company	7	...	...	...	7
Waterloo Volunteer Fire Company	2	...	1	...	3
Glebe Volunteer Fire Company	6	1	...	...	7
Theatre Royal Volunteer Fire Company	2	...	...	...	2
Burwood Volunteer Fire Company	1	...	...	...	1
Waverley and Woollahra Volunteer Fire Company	5	...	1	...	6
Reflections (seen from Brigade Stations)	3	1	...	2	6
Fire alarms .....	...	1	...	...	1
Fire alarm telephones	1	...	...	...	1
Parramatta Volunteer Fire Company, No. 1 .....	...	...	...	1	1
Railway officials (per telephone)	3	...	...	...	3
Manly Volunteer Fire Company	3	...	...	1	4
Members of Brigade	1	...	...	2	3
Council Chambers (per telephone)	1	...	...	...	1
Total	207	14	9	51	281

NOTE:—Second calls were also given for several of the above by the Fire Alarm and Fire Alarm Telephones.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies, for the Year ending December, 1887, Sydney, New South Wales.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Saturday, 1 Jan.	4-45 a.m.	No call.	Waverley Road, Waverley.	Robert Arthur	Omnibus Proprietor.	.....	Smoking tobacco	Unknown	None	No ..	An omnibus severely damaged by fire in open yard	Citizens, and Waverley Vol. Co. with buckets of water.
Sunday, 2 Jan.	12-30 p.m.	12-40 p.m.	Corner of King and Phillip Streets.	Frederick J. Riley	Licensed Victualler (Supreme Court Hotel).	Brick, and shingle roof.	Sparks from chimney of house.	.....	Unknown .....	..	About 2 x 2 feet of shingle roof burned and ceiling of back room on first floor damaged by water and breakage.	Inmates, neighbours, and M.F.B. with buckets of water.
Thursday, 6 Jan.	12-45 a.m.	12-50 a.m.	90, Cowper-street, Glebe	E. Butler	Private dwelling..	Brick, and iron roof.	Incendiarism	Aust. Mutual, £240.	None	*	1st Fire—Portion of furniture burned in front room on ground floor. 2nd Fire—A quantity of wearing apparel burned in back room on ground floor. 3rd Fire—About 2 feet of flooring damaged by fire in kitchen on ground floor. 4th Fire—Bed, bedding, curtains, &c., burned in front room on first floor.	Neighbours and Glebe Vol. Co. with buckets of water.
Saturday, 8 Jan.	9-25 p.m.	9-36 p.m.	8, Lennox-street, Newtown.	D. Roberts .....	..	Brick and stone and iron roof.	Kerosene lamp, upsetting of.	Unknown .....	..	No ..	A small quantity of furniture damaged by fire in back room on ground floor.	Inmates and neighbours with blankets and buckets of water.
"	11-25 p.m.	11-26 p.m.	7, Regent-street	Dr. De Spencer .....	..	Weatherboard, and iron over shingle roof.	Hot ashes	United .....	..	..	Shed building at rear of house used as lumber room severely damaged by fire.	No. 4 Vol. Co., with hydrant, assisted by M.F.B.
Saturday, 15 Jan.	12-15 a.m.	No call.	30, O'Connell-street, near Abercrombie-street.	Mrs. Mary Somers .....	..	Weatherboard, and iron roof.	Unknown	Unknown .....	..	..	Contents of shed building in rear of premises, consisting of a small quantity of harness, &c., slightly damaged by fire.	Inmates and neighbours, with buckets of water.
"	1-20 p.m.	1-40 p.m.	284, Cleveland-street ..	John Johnson	Cooper	Weatherboard, and iron roof.	Spark from fireplace.	None .....	..	..	A small quantity of timber burned in shed adjoining cooperage.	Neighbours, with buckets of water.
Sunday, 16 January.	12-15 a.m.	12-26 a.m.	93, Oxford-street	W. H. Soper	Tobacconist	Brick, and iron roof.	Unknown	Pacific Insurance Co., £1,000.	Colonial Mutual, £250.	..	A small quantity of stock in front shop, consisting of matches, tobacco, and cigars, &c., together with portion of showcase and shelving damaged by fire.	Neighbours, with buckets of water.
Monday, 17 January.	6-0 p.m.	6-8 p.m.	6, Queen's-place, George-street.	Messrs. T. H. Bailey & Company.	Artificial florists and milliners.	Brick, and slate roof.	..	Colonial Mutual, £1,400.	Aust. Mutual .....	..	A warehouse of four floors. Top floor with contents, consisting of a quantity of millinery and artificial flowers, nearly burned out, and small portion of roof off. Staircase damaged by heat.	M.F.B. with stand-pipe, and North City Vol. Co. with manual engine, assisted by the Standard Brewery Vol. Company.
"	"	"	"	F. B. Wheeler	General importer	"	"	"	North British and Mercantile In. Co., £1,500.	..	Ceiling under damaged by water, and glass of door broken.	Neighbours, with buckets of water.
Sunday, 23 January.	6-5 p.m.	6-16 p.m.	163, Crown-street, Woolloomooloo.	August S. Wenck	Grocer	"	"	Unknown	United Insurance Company.	..	A small quantity of contents of front shop slightly damaged by fire and water.	Inmates, with buckets of water.
Saturday, 29 January.	10-50 a.m.	10-57 a.m.	Harris-street, Ultimo ..	Mrs. Ormsby	Private dwelling..	"	Fireworks	"	None .....	..	A portion of bed, bedding, and looking-glass slightly damaged by fire.	Inmates, with buckets of water.
"	7-40 p.m.	8-5 p.m.	279, Pitt-street	A. G. Ascher	Fancy goods' dealer.	Brick, and iron roof.	Kerosene lamp, upsetting of.	None	New Zealand In. Company, £300	..	A small quantity of stock in front window of shop slightly damaged by fire and water.	"
"	11-15 p.m.	11-18 p.m.	466, George-street	Henry Cantor	Tailor	"	Smoking tobacco	Aust. Mutual	Imperial, £1,500; Equitable, £500; Victoria, £500; total, £2,500.	..	Portion of stock, consisting of clothing, rugs, and millinery, damaged by fire in front shop on ground floor; rest of shop and contents slightly damaged by smoke and water.	M.F.B. with hydrant.
Sunday, 30 January.	12-20 a.m.	12-35 a.m.	240, Oxford-street, Paddington.	Samuel Wells	Private dwelling..	Stone, and shingle roof.	Intoxication	None	United Insurance Company, £100.	..	Window curtains, blind, and some wearing apparel slightly damaged by fire in front room on first floor.	Inmates, with buckets of water.
Monday, 31 January.	About 5 a.m.	No call.	Oxford-street, Paddington.	George Eingisch	Stationer	Brick, and slate roof.	Gasfittings, defect in.	Unknown	Unknown .....	..	A small quantity of stationery slightly damaged by fire in front shop.	Neighbours, with buckets of water.
Sunday, 6 February.	7-55 p.m.	8-6 p.m.	27, Kippax-street, Surry Hills.	Robert Carson	Private dwelling..	Brick, and iron roof.	Kerosene lamp, upsetting of.	Aust. Mutual	None .....	..	Bed, bedding, and other contents of front room on first floor severely damaged by fire. Window frame and door slightly scorched.	Inmates and members of Standard Brewery Vol. Co., with buckets of water.
Wednesday, 16 February.	2-30 a.m.	2-35 a.m.	Corner of Hunter and Castlereagh Streets.	The Trustees of Messrs. Hawkes & Co.	Livery and bait stables.	"	Smoking tobacco.	Lion Ins. Co., £33,000 for Mer. B. and Inv. Soc., Liverpool, London, and Globe..	Mercantile Mutual .....	..	A large quantity of straw, hay, &c., burned in basement floor of stables. Rest of building and contents slightly damaged by smoke, water, &c.	M.F.B., with stand-pipe.
Wednesday, 23 February.	1-50 a.m.	1-56 a.m.	410, George-street	Messrs. Jackson & Morton.	Clothiers	"	Gas ironing stove, overheat of.	Queen, £1,800; Imperial, £300.	..	..	Front shop on ground floor and contents, consisting of a large quantity of clothing, hosiery, &c., very severely damaged by fire and water; also flooring and contents on first floor damaged by fire, smoke, &c. Front window broken by police.	M.F.B., with stand-pipe.
Tuesday, 1 March.	3-0 a.m.	No call.	Alfred-street, East St. Leonards.	J. L. Muir	Fruiterer	"	Kerosene lamp, carelessness with	Aust. Mutual, £500.	City Mutual, £300.	..	A dwelling of five rooms and shop. Ground and first floors with contents burned out. Shop and contents damaged by fire and water.	St. Leonards Vol. Co., with hydrant.
"	2-30 p.m.	2-40 p.m.	134, Abercrombie-street, Darlington.	J. White	Contractor	Open yard	Spark from chimney of house.	Aust. Mutual	None .....	..	About nineteen bales of straw burned in open yard, and side of wooden shed scorched.	Neighbours and M.F.B., with buckets of water.
Saturday, 5 March.	10-20 p.m.	10-26 p.m.	127, Liverpool-street, between George and Pitt Streets.	Mrs. Mary Guiliani	General dealer ..	Brick, and iron roof.	Kerosene lamp, upsetting of.	Norwich Union ..	Imperial, £200.	..	Front room on first floor with contents (consisting of bedding, &c.), nearly burned out. Back room on same floor damaged by heat. Shop and contents slightly damaged by water.	M.F.B., with stand-pipe.

* In this case, the wife of occupant was arrested for having wilfully set the premises on fire, and charged at the Central Police Station, but was found to be insane.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Saturday, 5 March.	11:30 p.m.	No call.	George-street, Blue's Point, Victoria.	S. R. Huchin	Private dwelling..	Brick and iron roof.	Unknown	South British ...	Norwich Union, £200.	No ..	A small portion of furniture, consisting of cheffonier, chair, and side of piano damaged by fire in front room on ground floor. Window blinds and carpet slightly damaged by smoke and water.	Inmates and neighbours, with buckets of water.
Sunday, 6 March.	2:0 a.m.	2:4 a.m.	203 to 211, Pitt-street ..	Messrs. Hordern Bros..	Drapers	Brick and glass, and iron roof.	"	In several offices, £10,000.	In several offices, £35,000.	" ..	Ladies lavatory on top of building of three floors burned out. Staircase leading to same severely damaged by fire. Ceilings under and portion of stock on each floor slightly damaged by water and removal.	M.F.B., with steam fire-engine.
"	10:30 p.m.	No call.	48, Kent-street North ..	Christian Nelson	Private dwelling..	Brick, and shingle roof.	Kerosene lamp, explosion of.	North British and Mercantile.	Aust. Mutual, £100.	" ..	Bed, bedding, and curtains damaged by fire in front room on second floor.	Inmates and neighbours, with buckets of water.
Monday, 7 March.	9:57 p.m.	9:58 p.m.	Stanmore Road, Peter-sham.	George Patchett	Butcher	Brick, and iron roof.	Gas bracket ...	Aust. Mutual, £1,500.	None	" ..	Window blind, curtains, and window frame slightly damaged by fire in back room on first floor.	" "
Tuesday, 8 March.	8:30 p.m.	No call.	31, Kent-street North ..	Thomas Huntly	"	Brick, and slate roof.	Light thrown down.	Australian Alliance, £2,200; Commercial Union, £1,600.	Victoria Insurance Co.	" ..	Bed, bedding, &c., slightly damaged by fire in front room on first floor.	" "
Sunday, 13 March.	10:25 p.m.	10:31 p.m.	22, Sussex-street North.	Louis Dupont	Restaurant	"	Unknown	North British, £212.	City Mutual, £200	No, but one was held	Front shop and house of three rooms, together with kitchen in rear of same and contents nearly burned out and part of roof off.	North City Vol. Co. assisted by M.F.B., with stand-pipes.
Tuesday, 15 March.	12:40 a.m.	12:44 a.m.	369, George-street, near Harris-street.	C. Fraenkel	Oil and colour-man's stores.	Brick, and iron roof.	"	Imperial, £1,000.	Equitable, £2,000; New Zealand, £1,500.	No ..	Front and rear shops with basement and top floor containing a large quantity of oil and colourman's stores severely damaged by fire, heat, and smoke.	M.F.B., with hydrant and stand-pipe.
"	7:30 p.m.	No call.	57, Walker-street, Redfern.	David Cook	Private dwelling..	Brick, and shingle roof.	Candle	Unknown	None	" ..	A quantity of bedding, wearing apparel, and furniture slightly damaged by fire in front room on ground floor.	Inmates, with buckets of water.
Wednesday, 16 March.	9:30 p.m.	"	Corner of Loftus and Alfred Streets.	R. A. Watson	Licensed victualer, "Paragon Hotel."	Brick, and slate roof.	Fireworks	North British and Mercantile.	"	" ..	A quantity of wearing apparel burned in open yard at rear of front premises.	Inmates and neighbours, with buckets of water.
Thursday, 17 March.	12:45 a.m.	12:55 a.m.	Corner of Rountree and Cameron Streets, Balmain.	Edward Kelly	Grocer's shop and dwelling.	Weatherboard, and shingle roof.	Unknown	Equitable (N.Z.), £200; Sydney Mutual, £200.	Sydney Mutual, £150; Equitable (N.Z.), £100.	" ..	A building of one floor, having four rooms and shop, with contents consisting of groceries and general stores, burned out and most part fallen down.	Balmain Vol. Co., with manual engine.
Monday, 21 March.	2:10 a.m.	2:15 a.m.	Tattersall's Buildings, Castlereagh-street.	Edwin Pearl	Hairdresser and tobacconist.	Brick, and iron roof.	"	Lion, £3,300	Scottish Union and National, £200.	" ..	A bookcase containing a small quantity of hairdresser's and tobacconist's stock destroyed in front shop on ground floor, rest of shop and contents damaged by smoke, heat, &c.	M.F.B., with stand-pipe.
Thursday, 24 March.	3:35 a.m.	No call.	Dagmar-terrace, 405, Elizabeth-street.	Bessie Storre	Milliner	"	Kerosene lamp, upsetting of.	Phoenix	City Mutual, £50	" ..	A portion of woodwork of door on the first floor of staircase slightly damaged by fire.	Inmates and neighbours, with buckets of water.
Friday, 25 March.	9:55 p.m.	10:5 p.m.	92, Cumberland-street..	Richard Roche	Licensed victualer, "Bull and Mouth Hotel."	"	Children playing with matches.	Unknown	None	" ..	Bed curtains and a small quantity of bedding burned in front room on first floor. Door slightly scorched.	"
Saturday, 26 March.	3:0 a.m.	3:19 a.m.	Weston-street, Balmain	Cornelius Walsh	Hay and corn store.	"	Unknown	Phoenix	Phoenix	" ..	A building of two floors, about 24 x 46 ft., with contents consisting of hay, straw, and general produce, burned out and roof off and partly fallen down; front and back rooms on first floor, with contents, together with roof, severely damaged by fire. Shop and contents consisting of groceries, &c., also back room on ground floor, and furniture in same damaged by heat and smoke.	Balmain Vol. Co. and M.F.B., with manual engine.
"	"	"	"	"	Grocery store and dwelling.	"	"	"	"	" ..	"	"
Sunday, 27 March.	12:0 p.m.	12:2 p.m.	6, Utah-street, Surry Hills.	Edward Trivoe	Private dwelling.	"	Candle	Unknown	None	" ..	Bed, bedding, and curtains burned in back room on first floor, rest of room and contents slightly damaged by smoke, heat, &c.	Inmates and neighbours, with buckets of water.
"	6:55 p.m.	No call.	185, Elizabeth-street, Redfern	G. W. Buchcham	Greengrocer ...	"	Gas, seeking for an escape of, with light.	"	"	" ..	Front window of shop blown out	Inmates, with sacks, &c.
Wednesday, 29 March.	1:0 a.m.	"	Corner of George and Park Streets.	Oscar William Meyer ..	Licensed victualer.	Brick, and iron roof.	Matches, carelessness with.	Norwich Union, Liverpool and London, and Globe, United.	United, £2,500 ..	" ..	A couch severely damaged by fire in front billiard room on first floor.	Inmates, with buckets of water.
Saturday, 2 April.	9:0 p.m.	"	Old South Head Road, Paddington.	Un-occupied	Private dwelling..	Weatherboard, and iron over shingle roof.	Kerosene lamp, upsetting of.	City Mutual ...	None	" ..	A cottage of three rooms very severely damaged by fire....	Neighbours, with buckets of water.
Sunday, 3 April.	3:0 p.m.	3:10 p.m.	*109, Clarence-street....	Harry Sharp	Picture-frame maker.	Brick and iron, and slate roof.	Unknown	Liverpool and London and Globe.	New Zealand, £210.	" ..	Workshop in rear of front shop, with contents, consisting of pictures, frames, and other trade materials nearly burned out. Back room on ground floor and two rooms on first floor severely damaged by fire.	North City Vol. Co., assisted by M.F.B. with stand-pipe.

* Previous fire, 18th February, 1885.

LIST and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Monday, 4 April.	4.0 a.m.	4.5 a.m.	617, Harris-street	Patrick Kelly	Licensed victualer "Grosvenor Hotel."	Brick and weatherboard, and iron roof.	Rats at Matches.	Queen, £3,000	City Mutual, £550; Norwich Union, £320.	No . . .	Wine and spirit store-room on ground floor, containing a large quantity of wines and spirits very severely damaged by fire. Portion of floor of billiard-room, and billiard-table in same on first floor damaged by fire. Rest of room and contents damaged by fire.	M.F.B., with hydrant.
Tuesday, 5 April.	10.15 p.m.	No call.	In rear of above Cavendish-street, Stanmore.	Mr. J. Finlayson T. Norton	Manufacturing confectioner. Private dwelling.	Brick, and shingle roof.	Gas, seeking for an escape of, with lights.	" Mercantile Mutual.	None	" "	About 10 x 5 ft. of sides of shed building burned, and a small portion of contents damaged by heat. Front room and contents, together with hall, severely damaged by explosion. Fan-light and front door blown out, and portion of flooring in front room on first floor blown up. Mr. Thos. Norton, aged 50 years; Robert Berry, aged 25 years; Mary Norton, aged 20 years; very severely burned.	" Inmates, with buckets of water, assisted by neighbours.
Thursday, 7 April.	9.0 p.m.	9.3 p.m.	36, Pitt-street " " "	Messrs. Fache & Co., Mr. F. Wilson, manager. Messrs. Brooks & Garratt F. B. Deering Messrs. Withers & Callaghan	Offices and store for woollen goods. Brokers, agents, and furniture dealers. Plumber and gasfitter. Auctioneers	Brick, and iron roof. " " "	Smoking tobacco. " " "	" " " "	Equitable (N.Z.), £700. Scot. Un. & Nat., £250; Northern, £250. " "	" " " "	A room on first floor and contents, consisting of a quantity of woollen goods, &c., severely damaged by fire and water. Room on first floor and contents, consisting of a quantity of furniture and bedding fittings, severely damaged by fire and water. Rolls of carpet on landing also damaged by water. Stock in front shop slightly damaged by water and front door broken open. Contents of offices on ground floor damaged by water and part of ceiling burned through.	M.F.B., with hand-pump. " " "
Tuesday, 12 April.	9.30 p.m.	9.39 p.m.	1, Utah-street, Surry Hills.	Robert Doig Hans Olsen	Printer Boarding-house	" "	Gas fittings, defect in.	United Insurance Coy., £400.	Queen, £600 None	" "	Printing machines in basement, slightly damaged by water. Front room on ground floor with contents, in same, severely damaged by explosion. Side wall of passage blown down and portion of ceiling of passage damaged.	" "
Saturday, 16 April.	3.50 a.m.	3.59 a.m.	13, Union-street, corner of Pyrmont-street.	Ernest Henry Farey	Grocer	"	Unknown	Vict. Insurance Co.	Australian Mutual, £1,200.	"	A store of one floor in rear of shop containing a quantity of groceries, kerosene, &c., severely damaged by fire, smoke, and water.	M.F.B., with stand-pipe.
"	6.54 p.m.	6.59 p.m.	410, Kent-street, between Druitt and Market Streets.	Messrs. Jennings & Co.	Printers, &c.	"	Spontaneous ignition.	New Zealand	City Mutual, £2,300.	"	A quantity of rubbish in box and about 2 x 2 feet of flooring burned in back part of room on first floor.	M.F.B., with buckets of water.
Tuesday, 19 April.	5.0 a.m.	No call.	64, Abercrombie-street.	F. Randle	Restaurant	"	Incendiarism	Unknown	None	"	Some wearing apparel burned, and the outside of kitchen door slightly damaged by fire.	Inmates, with buckets of water.
Friday, 22 April.	9.30 p.m.	9.38 p.m.	13, Cleveland-street, Darlington.	E. W. Gordon	Private dwelling	Brick, and slate roof.	Gas bracket	Commercial Union.	"	"	Window curtains burned in back room on first floor; window frame slightly scorched.	"
"	10.45 p.m.	11.7 p.m.	41 and 43, Campbell-street, Newtown.	Unoccupied	"	Weatherboard, and iron roof.	Unknown	Australian Mutual, £560.	"	"	Two cottages of four rooms burned out, and roof off.	Newtown Vol. Co. and M.F.B., with stand-pipes.
"	"	"	45, Campbell-street, Newtown.	T. Maloney	Dairyman	"	"	"	Australian Mutual, £40.	"	Shop with contents consisting of groceries, &c., together with back room on first floor severely damaged by fire and water.	"
"	"	"	47, Campbell-street, Newtown.	J. Liveridge	Private dwelling	"	"	"	None	"	Side of house slightly damaged by fire; rest of house and contents slightly damaged by water, smoke, and removal.	"
Saturday, 23 April.	11.30 p.m.	No call.	Moorgate-street, Blackfriars Estate.	Messrs. Patten Bros.	Marble masons	"	"	Victoria	Victoria	"	Portion of side of engine shed damaged by fire.	The Police, with buckets of water.
Sunday, 24 April.	7.15 a.m.	7.20 a.m.	"	"	"	"	"	"	"	"	Shed building about 6 x 6 ft. used as office. Portion of sides burned, and contents slightly damaged by fire.	M.F.B., with buckets of water.
Monday, 25 April.	4.55 p.m.	5.10 p.m.	Corner of Kent and Liverpool Streets.	Jeremiah Murphy	Pawnbroker's shop	Brick, and iron roof.	Fire, careless use of.	City Mutual	Sydney Mutual	"	About 2ft. of mantelshelf, and portion of front of fireplace, slightly damaged by fire in kitchen on ground floor.	Inmates, with buckets of water.
Wednesday, 27 April.	3.30 a.m.	9.4 a.m.	Helvetia House, Cary-street, Marrickville.	Mrs. Edith Seton	Private dwelling	Brick, and slate roof.	Fireplace, wood falling from.	Industrial Mutual	Colonial Mutual	"	A cottage of 4 rooms with contents burned out and roof off, kitchen and outhouses slightly damaged by fire and water.	Debris extinguished by neighbours and M.F.B., with manual engine and buckets of water.
"	"	"	Kyle Bute Cottage, Cary-street, Marrickville.	T. D. Kyle	"	"	"	Mercantile Mutual.	None	"	Roof severely damaged by fire; ceilings of two rooms on ground floor damaged by fire and water.	"
Thursday, 28 April.	9.50 p.m.	10.4 p.m.	Lackey-street, Ashfield.	J. White	Tailor	Weatherboard, and iron roof.	Unknown	"	United	"	Shop about 20 x 12 feet with contents, consisting of a quantity of tailoring material, &c., severely damaged by fire and water.	Neighbours, with buckets of water.
Saturday, 30 April.	9.55 a.m.	No call.	Victoria-street, Paddington.	Matthew Bayfield	Grocer	Brick, and iron roof.	Candle	Australian Mutual	Australian Mutual	"	A small quantity of straw burned in stable at rear of front premises.	"
Sunday, 1 May.	2.20 a.m.	2.23 a.m.	184 King-street, Newtown.	Messrs. H. Porter & Co.	Saddle and harness makers.	"	Unknown	United, £200	Mercantile Mutual £300.	"	Front and back workshops on ground floor, containing a large quantity of saddlery, &c., nearly burned out.	Newtown Vol. Co., with hydrant.

* This fire was the result of the former one not properly extinguished.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Tuesday, 3 May.	11:50 p.m. of the 2nd.	12:3 a.m.	Corner of Burwood Road and William-street.	Messrs. Gregory & East- wood.	Oil and colour merchants.	Weatherboard, and iron roof.	Unknown	Colonial Mutual, £100.	Colonial Mutual, £300.	No..	A weatherboard building about 24 x 28 feet of one floor, and having two shops and two rooms, with contents; burned out and fallen down.	Burwood Vol. Co., with manual engine.
			Burwood	Mills	Bootmaker	" ..	" ..	" ..	None	" ..	About 6 x 10 feet of roof of cottage damaged by fire.	" ..
Wednesday, 4 May.	2:30 a.m.	No call.	Liverpool Road, Ashfield.	Messrs. Tomkin & May..	Drapers	Brick, and iron roof.	" ..	United Insurance Co. Unknown	Commercial Union, £350.	" ..	Front shop and a small portion of contents, consisting of a quantity of drapery, &c.; damaged by fire and water.	Inmates and neigh- bours, with buckets of water.
Friday, 6 May.	1:15 a.m.	1:45 a.m.	Adjoining Wickham House, Kogarah Road, West Botany.	Charles T. Richardson..	Stables	Brick and stone, and iron roof.	Smoking tobacco.	Australian Mutual, £300.	None	" ..	A building about 80 x 20 feet, used as stables; roof burned off, and a large portion of flooring of hay loft destroyed and contents, consisting of about 3½ tons of straw, &c.; damaged by fire and water. [Not in M.F.B. boundary].	Newtown Vol. Co., assisted by M.F.B., with manual engine.
" ..	8:35 p.m.	8:42 p.m.	Darling-street East, Balmain.	T. Vaughan	Draper	Stone, and slate roof.	Light coming in contact with goods.	None	" ..	" ..	A small quantity of drapery burned in shop window on ground floor; shop windows broken by neighbours.	Neighbours, with buckets of water.
Saturday, 7 May.	3:30 p.m.	No call.	24, Eugene-terrace, Renny-street, Pad- dington.	J. B. Meyer	Private dwelling..	Brick, and slate roof.	Matches, children playing with.	Australian Mutual	Australian Mutual	" ..	A quantity of wearing apparel and bedding burned on top of staircase on first floor.	Inmates, with buckets of water.
Sunday, 8 May.	7:25 p.m.	7:35 p.m.	2, Abercrombie-street..	Alfred Lord	" ..	" ..	Candle	Unknown	None	" ..	Bed, bedding, and curtains slightly damaged by fire in front room on first floor.	Inmates and neigh- bours, with buckets of water.
Wednesday, 11 May.	3:0 a.m.	3:13 a.m.	56, Lower Campbell- street, Surry Hills.	Michael Tierney	Produce merchant	Corrugated iron	Smoking tobacco.	Northern	" ..	" ..	Stables and loft about 45 x 60 feet, containing a large quantity of straw, produce, machinery, and other stock- in-trade, nearly burned out and most part fallen down.	M.F.B., assisted by the Paddington Brewery and Stand- ard Brewery Vol. Cos., with stand- pipes.
" ..	6:0 p.m.	6:8 p.m.	321, Sussex-street.....	Sun War Hop Kee	Cabinet makers..	" ..	Fireworks	Unknown	" ..	" ..	A small quantity of sacking, used as rain shield, burned in yard at rear of premises.	Inmates, with buckets of water.
" ..	6:35 p.m.	6:45 p.m.	163, Pyrmont Bridge Road, Pyrmont.	Wm. Kluth	Private dwelling..	Brick, and iron roof.	Candle	" ..	" ..	" ..	Bedding, bed-curtains, &c., slightly damaged by fire in back room on first floor; window frame slightly scorched.	" ..
Friday, 13 May.	3:30 p.m.	No call.	Off Bettington-street, Miller's Point.	Mrs. M'Clintock	" ..	Stone, & shingle roof.	Spark from chim- ney of house.	" ..	" ..	" ..	About 2 square feet of shingle roof burned; ceiling under slightly damaged by water, and cutting away.	Neighbours, with buckets of water.
" ..	7:15 p.m.	7:30 p.m.	Portman-street, Zetland Estate, Waterloo.	George Brunton	" ..	Weatherboard, and iron roof.	Candle	Industrial Mutual	City Mutual, £40.	" ..	Bed, bedding, and window curtains burned in middle room on ground floor; wood partition and rest of contents of room slightly damaged by fire and water.	Waterloo Vol. Co. and neighbours, with buckets of water.
Sunday, 15 May.	6:40 p.m.	6:56 p.m.	St. Silas' Place, off Botany-street, Waterloo.	Michael Murphy	" ..	" ..	Unknown	Unknown	None	" ..	Wood ceiling and walls of kitchen on ground floor slightly damaged by fire; contents of kitchen slightly damaged by water and breakage, and window broken by neigh- bours.	Neighbours, with buckets of water.
Monday, May.	8:40 p.m.	8:45 p.m.	67 and 69, Macquarie- street.	Messrs. Talbot & Co. ..	Woolstores.....	Brick, and iron roof.	Light thrown down.	Scottish Union ..	Alliance	" ..	A quantity of sacks burned in basement.....	M.F.B., assisted by water police, with buckets of water.
Tuesday, 17 May.	2:20 p.m.	2:25 p.m.	Bourke-street, Darling- hurst.	Mrs. Edgcombe	Dressmaker	Brick & shingle roof.	Boiling over of chemicals.	Unknown	None	" ..	Portion of contents of kitchen on ground floor damaged by fire; staircase slightly damaged by heat and smoke.	Inmates & Padd- ington Brewery Vol. Co., with buckets of water.
Thursday, 19 May.	10:50 a.m.	10:51 a.m.	George-street West	Messrs. Tooth & Co. ..	Brewery	Wood, and iron roof.	Explosion of malt dust.	In several offices.	In several offices..	" ..	Two battens of Louvre and about 2 feet of lining of mashing room burned on top floor.	Employés.
Saturday, 21 May.	2:57 p.m.	2:58 p.m.	121, George-street West	Messrs. Burke and M'Namare.	Tobacconist and barbers' shop.	Brick, and shingle roof.	Kerosene lamp, explosion of.	Unknown	None	" ..	A small quantity of barbers' materials and paper of wall slightly damaged by fire, rest of contents of back room on ground floor slightly damaged by water.	Inmates and neigh- bours, with buckets of water.
Sunday, 22 May.	1:30 a.m.	1:42 a.m.	31, Parramatta Road, Glebe.	Messrs. M. Crockett and Co.	Grocers and wine merchants.	Brick, and iron and shingle roof.	Light thrown down.	Sydney Mutual, £2,400, on seven buildings.	Victoria Insurance Co., £735.	" ..	Shop containing a large quantity of groceries, &c., with contents of three rooms and kitchen nearly burned out; basement used as store and stables also nearly burned out.	Globe Vol. Co. and M.F.B. with stand- pipes.
" ..			33, 29, " "	Richard C. Davis	Tobacconist	" ..	" ..	" ..	City Mutual, £150	" ..	Shop, &c., slightly damaged by heat and smoke	" ..
" ..			29, " "	John Gillard	Provision store ..	" ..	" ..	" ..	" ..	" ..	Household furniture on first floor damaged by heat and smoke.	" ..
" ..	7:0 p.m.	No call.	101, Regent-street, Red- fern.	Mrs. Penny	Private dwelling..	Stone and brick, and shingle roof.	Candle	Commercial Union,	£350	" ..	Kitchen and contents on ground floor severely damaged by fire and water.	Neighbours, with buckets of water.
Tuesday, 24 May.	12:10 p.m.	12:14 p.m.	206, Botany Road, Alex- andria.	James H. Gourlay	Confectioner	Brick, and iron roof.	Light thrown down.	Australian Mutual	N.S.W. Corps, £300.	" ..	Front shop with contents, consisting of a quantity of confectionery burned out; rest of house of five rooms and kitchen damaged by smoke and water.	Alexandria Vol. Co. with stand-pipe.

LIST and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Tuesday, 24 May.	4-37 p.m.	4-42 p.m.	413, Pitt-street	Messrs. M'Loughlin Bros.	Ironmongers	Wood and brick, and shingle roof.	Fireworks	None	None	No ..	About 8 x 4 feet of shingle roof burned, ceilings under slightly damaged by fire.	Neighbours, with buckets of water.
"	7-20 p.m.	No call.	Garden-street, Alexandria.	Thomas Hamblin	Private dwelling..	Brick, iron, and shingle roof.	Unknown	Unknown	Unknown	" ..	Ceiling and door of kitchen on ground floor slightly damaged by fire.	Alexandria Vol Co., with hand pump.
Wednesday, 25 May.	3-2 a.m.	3-6 a.m.	139, Lower George-street.	Joseph Selig	Tailor and clothier	Wood	Fireworks	"	None	" ..	A quantity of beds, &c., burned in open shed at rear of building.	Police and M.F.B., with buckets of water.
"	8-50 a.m.	No call.	Corner of Dorhauer-lane and Morton-street, Woollahra.	Messrs. Saunders and Son.	Fruiterers	Corrugated iron	"	None	"	" ..	About eight bags of chaff damaged by fire and water in stable.	Woollahra Vol. Co and inmates, with buckets of water.
Friday, 27 May.	9-0 p.m.	"	Corner of Cowper and Birrell Streets, Waverley.	William Whiffin, "Waverley Hotel."	Licensed victualler.	Stone, and iron roof.	Light thrown down.	Liv. and Lond. and Globe.	Liv. and Lond. and Globe, £600.	" ..	About 4 x 5 feet of wooden partition slightly burned in stables adjoining the hotel.	Inmates, with buckets of water.
"	11-30 p.m.	11-34 p.m.	506, George-street	John Atkinson	Photographer	Brick and weatherboard, and iron and glass roof.	Light thrown down by Mr. Atkinson.	United	None	" ..	Photographic gallery, also dark and printing rooms on second floor burned out, and roof off.	M.F.B., with hydrants and stand-pipe.
				Thomas Forbes	Draper	"	"	"	United, £1,000; Equitable (N.Z.), £500; Lion, £500; Victoria, £500; Union (N.Z.), £1,000; Colonial Mutual, £500; Scot. Un. & Nat., £500.	" ..	Contents of front shop, consisting of a quantity of drapery, severely damaged by removal and water; ceilings over shop also damaged by water.	
			508, George-street ..	Abraham Fogel	Jeweller	"	"	"	Norwich Union, £1,000; N. B. and Mer., £500.	" ..	Contents in front window, consisting of jewellery, slightly damaged by fire; ceilings over shop severely damaged by water.	
Saturday, 28 May.	1-0 p.m.	No call.	1, Watson-street, Paddington.	Leonard Prevost	Private dwelling..	Brick, and iron roof.	Unknown	Australian Mutual	City Mutual, £100	" ..	Bed, bedding, and a quantity of wearing apparel severely damaged by fire in bedroom on first floor; rest of room damaged by heat and smoke.	Inmates, with buckets of water.
Monday, 30 May.	1-50 a.m.	"	150, South Head Road, Woollahra.	S. Flynn	Dyer	"	"	Commercial Union, £450.	New Zealand, £200	" ..	A dresser and portion of contents on same, together with about 6 x 4 feet of flooring of kitchen on ground floor; burned door window-frame, and walls of room slightly damaged by heat and smoke.	Inmates and police, with buckets of water.
Friday, 3 June.	3-30 p.m.	"	52, Gipps-street, Paddington.	R. J. Bowman	Private dwelling.	Brick, and shingle roof..	"	Commercial Union	Colonial Mutual, £250.	" ..	Window-curtains, carpet, and other contents of front room on ground floor severely damaged by fire.	Inmates and neighbours with buckets of water.
Saturday, 4 June.	3-20 a.m.	"	19, Argyle-street	John Sotters	Tobacconist	Brick, and slate roof.	"	Unknown	Australian Mutual, £500.	" ..	Front shop containing a quantity of tobacconists materials, severely damaged by fire.	Inmates and police, with buckets of water.
Tuesday, 7 June.	5-0 a.m.	5-7 a.m.	79, Castlereagh-street, near King-street.	William De Renere Robert Johnson.	Confectioner and refreshment-rooms, billiard-saloon.	Brick, and iron roof.	Stove gas, overhead of.	"	Australian Mutual, £100.	" ..	Front shop and contents, severely damaged by fire and water.	M.F.B., with hydrant of Theatre Royal.
"	8-42 p.m.	8-45 p.m.	18, Nithsdale-street	James Kenny	Costumier	Brick, and slate roof.	Candle	United, £1,800 ..	None	" ..	A small portion of contents of front bedroom on first floor burned, rest of room damaged by heat, smoke, &c.	M.F.B., with hand-pump.
Thursday, 9 June.	1-58 a.m.	2-3 a.m.	Ersleville Road, Macdonaldtown.	Alexander Dean	Furniture dealer.	Weatherboard, and iron roof.	Unknown	Unknown	Australian Mutual, £100.	" ..	A weatherboard shed building, about 18 x 32 feet, containing a quantity of bedding, furniture, &c., and situated at the rear of front building, burned out and fallen down.	Newtown Vol. Co., and M.F.B., with stand-pipe.
"	9-0 p.m.	9-6 p.m.	Rear of 145, Oxford-street.	Frederick Condy	Provision dealer..	Brick, and iron roof.	Candle	"	City Mutual, £150	" ..	Bed, bedding, and balustrade of stairs, damaged by fire on first floor.	Inmates, with buckets of water.
Friday, 10 June.	2-30 a.m.	No call.	120, King-street, Newtown.	Elizabeth O'Brady	Milliner and dress-maker.	Brick, and slate roof.	Matches, carelessness with.	"	Colonial Mutual, £325.	" ..	Contents of front shop and a portion of fittings slightly damaged by fire, water, and smoke.	Inmates and neighbours, with buckets of water.
Thursday, 16 June.	12-20 p.m.	12-24 p.m.	70, Pitt-street	R. C. Webster	Importer	Brick, and iron roof.	Vapour of spirit coming in contact with flame. Smoking tobacco	National (N.Z.), on building, £6,000 on rent only £1,500 Pacific Insurance Co.	None	" ..	A quantity of crude kerosene burned, and a gas-making apparatus partially damaged by fire, in vault, situated in the basement and under the street footpath.	M.F.B., with stand-pipe.
Saturday, 18 June.	9-50 p.m.	9-53 p.m.	666, George-street	Messrs. E. Hordern & Sons.	Drapers'	Wood, and iron roof.	"	None	Pacific Insurance Co.; Aust. Mut.	" ..	About 2 x 3 feet of wooden partition over hay-rack burned in stable at rear of premises.	Inmates, with buckets of water.
Sunday, 19 June.	3-45 p.m.	4-0 p.m.	20, King-street, Newtown.	*Messrs. J. Lawson & Sons.	Cabinet-makers ..	Corrugated iron	Spark from chimney of house adjoining.	None	None	" ..	A building of two floors, about 24 x 48 feet, containing a very large quantity of timber, packing cases, and general stock, burned out and fallen down.	The Newtown, Darlington, and Glebe Vol. Cos., and the manual and steam engines of the M.F.B.

*Adjoining and communicating by a skillion roof.

LIST and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Sunday, 19 June.	3:45 p.m.	4:0 p.m.	18, King-street, New- town.	McSullivan	Private dwelling	Brick, and shingle roof.	Spark from chim- ney of house adjoining.	None.....	None.....	No..	Roof of cottage nearly burned off; side wall severely dam- aged by heat; rest of cottage of six rooms damaged by water; furniture damaged by removal.	
Monday, 20 June.	1:45 p.m.	1:59 p.m.	28, Waterloo-place, off Banks-street.	Archibald Burton....	"	Weatherboard, and iron over shingle roof.	Plumbers' pot, overheat of.	".....	".....	"	About 1 square foot of shingle roof over kitchen burned ..	M.F.B., with buckets of water.
"	6:38 p.m.	6:42 p.m.	14, St. John's Road, Glebe.	Mrs. Catherine Reid....	"	Brick, and shingle roof.	Kerosene lamp, upsetting of.	Unknown	".....	"	Small portion of contents of front room on first floor dam- aged by fire.	Neighbours, with blankets.
"	8:10 p.m.	No call.	Rear of 94 and 96, Botany- street, Waterloo.	James Hemshere	Outhouse.....	Weatherboard, and iron roof.	Light thrown down.	Australian Mutual, £200.	".....	"	A shed, about 12 x 6 feet, containing a small quantity of shoemakers' tools severely damaged by fire; side of house adjoining slightly damaged by fire, water, &c.	Alexandria Vol. Co., with stand-pipe.
Tuesday, 21 June.	3:20 a.m.	3:27 a.m.	90, Woolloomooloo-street, Woolloomooloo.	Unoccupied	"	"	Fireworks	Unknown	Unknown	"	About 14 x 10 feet of flooring of ground floor of shed building burned.	M.F.B., with buckets of water.
Wednesday, 22 June.	9:3 a.m.	9:5 a.m.	Corner of Harris-street and George-street West.	Mrs. H. V. Hall	Licensed victu- aller, "Turon Inn."	Brick, and iron roof.	Matches, children playing with.	None.....	None.....	"	Bed and bedding in front room on first floor burned; rest of room and ceiling under slightly damaged by water.	M.F.B., with hand- pump.
Thursday, 23 June.	8:0 a.m.	No call.	39, Ultimo Road, Ultimo	Peter Forbes	Private dwelling..	Brick, and shingle roof.	Children playing with matches.	Liverpool & Lon- don & Globe.	Norwich Union, £100; tools, £50.	"	Bed, bedding, and other articles of furniture slightly damaged by fire in back room on first floor.	Inmates, with buckets of water
Friday, 24 June.	3:40 a.m.	3:47 a.m.	60, Wynyard-square ..	Mrs. M. J. Beattie ..	Costumier	Brick, and slate roof.	Unknown	Unknown	None.....	"	A quantity of paper-cuttings and rubbish burned in back room on basement floor.	Night-watchman, with buckets of water.
Saturday, 25 June	9:35 p.m.	No call.	Beattie-street, Burwood	Unoccupied	Private dwelling..	Weatherboard, and iron roof.	Smoking tobacco by vagrants.	N.S.W. Corpora- tion, £250.	None.....	"	About 5 ft. of flooring boards and 9 ft. of lath, plaster, and skirting boards of wall damaged by fire in back room on ground floor.	Neighbours, with buckets of water.
Saturday, 2 July.	12:25 a.m.	12:32 a.m.	111, Crown-street, Wool- loomooloo.	Patrick Moloney	"	Brick, and shingle and iron roof.	Candle	Sydney-Mutual ..	".....	"	A quantity of wearing apparel burned, and about 14 x 6 ft. of wooden ceiling and a portion of three doors slightly damaged by fire in back room on ground floor.	Inmates, with buckets of water.
"	11:20 p.m.	11:25 p.m.	Corner of Mitchell and Glebe Streets, Glebe.	Edward Slater	General dealer ..	Brick, and iron roof.	Gas bracket	Australian Mutual	Australian Mutual	"	Bed curtains burned, and contents of middle room on ground floor slightly damaged by fire.	" "
Sunday, 3 July.	10:10 p.m.	10:12 p.m.	51, Queen-street, Woollahra.	August Beil	Private dwelling..	Brick and stone, and shingle roof.	Gas explosion (no water in the chandelier).	None.....	Northern	"	Front and back doors and window of front room on ground floor blown out. Furniture and other contents in same room severely damaged by explosion and breakage. The inmate, August Beil, aged 30 years, was severely burned on hands and body.	" "
Tuesday, 5 July.	12:40 a.m.	12:57 a.m.	98, Albion-street.	Joseph Bergin	Grocer	Brick, and slate roof.	Unknown	Unknown	City Mutual, £500	"	A small quantity of contents, consisting of groceries, &c., damaged by fire and water in front shop on ground floor. Rest of contents slightly damaged by smoke.	Standard Brewery V.F.C., with stand- pipe.
Friday, 8 July.	7:0 p.m.	7:7 p.m.	46, Cowper-street, Glebe	Thomas Wearne	Ironfounder ...	Wood, and iron roof.	Furnace, overheat of.	Australian Mutual	Australian Mutual	"	About 4 ft. of rafters over furnace burned, and a small quantity of wooden patterns damaged by fire.	Employes and Glebe V.F.C., with buckets of water.
Saturday, 9 July.	1:35 p.m.	1:42 p.m.	16 and 18, Barrack- street.	Unoccupied	Warehouse in course of alter- ation. Samuel Grimby, con- tractor.	Brick, and slate roof.	Smoking tobacco	Norwich Union and other offices	None.....	"	A warehouse of three floors. First floor, together with staircases, burned out. Second floor, having 6 rooms, nearly burned out, and most part of roof off. Rest of building, underneath and side rooms, damaged by water. Front doors broken open.	M.F.B., with steam fire-engines.
"	"	"	20, Barrack-street.....	William Auerbach ..	Woollen ware- houseman.	"	"	"	"	"	Contents on ground floor, consisting of a quantity of woollen goods, &c., slightly damaged by water. Floor damaged by cutting away, and side passage glass door broken open.	
"	"	"	14, Barrack-street.....	Messrs. Kellett and Alford.	Auctioneers, &c.	"	"	United Ins. Co...	Scot. Un. & Nat. Queen, £7,000.	"	Contents of warehouse of three floors slightly damaged by smoke (through defective walls) and front window on first floor broken.	
Sunday, 10 July.	7:0 a.m.	No call.	24, Junction-street, Forest Lodge.	Thomas Byrnes.....	Baker	Brick, and iron roof.	Gas explosion ...	City Mutual	City Mutual	"	Bake-house very severely damaged by explosion at rear of premises.	
Monday, 11 July.	1:30 a.m.	2:0 a.m.	Rose-street, Darlington	Carl Iverson	Private dwelling	Weatherboard, and iron roof.	Candle	".....	".....	"	A weatherboard cottage of four rooms burned out, and most part fallen down.	Darlington Vol. Co. and M.F.B., with stand-pipe.
Friday, 15 July.	8:20 p.m.	8:35 p.m.	Burren-street, Macdonaldtown.	Unoccupied	Cottage	Weatherboard, and iron roof.	Unknown	Unknown	None.....	"	A weatherboard cottage of four rooms, severely damaged by fire and water.	Newtown Vol. Co. and M.F.B., with stand-pipe.
Monday, 18 July.	Be- tween 4:30 p.m. and 4:45 p.m.	No call.	Corner of Beattie, Dar- ling, and Palmer Streets, Bahmain.	Henry Lewis	Fancy goods dealer Bootmaker.	Weatherboard, and shingle roof.	Light thrown down.	New Zealand ...	Equitable (N.Z.)..	"	A small quantity of toys, &c., damaged by fire, in window of front shop on ground floor.	Edwd. Lees (part occupant).

*Adjoining and communicating by a skillion roof.

LIST and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Thursday, 21 July.	2:5 a.m.	2:14 a.m.	13, Abercrombie-street..	Cornelius Kean	Grocer.....	Brick, and iron roof.	Unknown.....	Unknown.....	City Mutual; stock, £150; furniture, £50.	No.	Portion of stock and wooden partition burned in front shop on ground floor; rest of contents of same damaged by heat and smoke. Staircase slightly damaged by heat, and rest of house by smoke.	M.F.B., with hand- pump (Tozer).
Saturday, 30 July.	2:0 a.m.	2:10 a.m.	Corner of Frazer and New Canterbury Roads, Petersham.	Albert A. Davis	Butcher	Brick and stone, and iron roof.	Smoking meat ...	Mercantile Mutual, £500.	None.....	"	A small shed, about 4 x 3 feet, used as a smoke-house, with contents burned out and fallen down. N.B.—This shed was not included in the insurance policy.	M.F.B., with hand- pump.
"	1:30 p.m.	1:41 p.m.	* 306 and 308, George- street.	Messrs. Lloyd & Collins	Mercers & glovers	Brick, and iron roof.	Unknown	North British and Mercantile Ins. Co.	Com. Un., £3,000; Manchester, £1,500; Standard, £1,000; Equitable, £1,000; Scot. Un. & Nat., £2,000; South Aust., £500; Aust. Mer. Un., £1,500; City of London, £2,500; N. S. W. Corp., £1,000; Royal, £2,000; National, £1,000.	Yes..	Back shop of one floor, containing a large quantity of mercery, gloves, and other soft goods, burned out, and roof off front shop; also containing a large quantity of similar stock severely damaged by fire and water.	M.F.B., with steam fire-engines and hydrants.
				Messrs. Kerry & Jones..	Photographers ..	"	"	"	Union(N.Z.), £600; South British, £600; New Zea- land, £600.	"	Three rooms on first floor containing a quantity of photo- graphic materials, and backroom on same floor with contents severely damaged by fire and water.	
			* De Mestre-place, at rear of above.	A. Ferrari.....	Wine cellars	"	"	"	New Zealand, £1,200.	"	Stock in cellars and basement in rear of 306, George-street, severely damaged by water.	
			* 5, Hunter-street	L. Moss & Co.	Pianoforte dealers	"	"	"	Pacific	"	Roof of rear portion of premises slightly damaged by fire.	
Monday, 1 August.	7:0 p.m.	7:9 p.m.	* 304, George-street 73, Gibbons-street, Alexandria.	P. Mitchell	Jeweller	"	"	"	"	No..	Floor of backroom on ground slightly damaged by fire. A small quantity of furniture slightly damaged by fire in kitchen on ground floor.	Inmates, with buckets of water.
"	7:55 p.m.	No call	Whistler-street, Manly..	Chas. Pearson	"	Weatherboard, and iron over shingle roof.	Fireplace, " wood falling from.	Unknown	None	"	A quantity of furniture and ceiling slightly damaged by fire in front room on ground floor.	Manly Vol. Co., with buckets of water.
"	11:20 p.m.	11:26 p.m.	815, George-street.....	John Hughes	Fish and oyster saloon.	Brick, and iron over shingle roof.	Candle	"	Industrial Mutual	"	A quantity of bedding and canvas ceiling damaged by fire in middle room on first floor. The occupant, John Hughes, aged 41, severely burned on hands and face.	Inmates, with buckets of water.
Thursday, 4 August.	11:7 p.m.	11:12 p.m.	165, King-street, New- town.	Aaron Leichtenstein ..	Tobacconist	Weatherboard, and iron roof.	Light thrown down.	City Mutual	New Zealand, £175	"	A very small shop and contents, consisting of a quantity of tobacconist's goods, &c., burned out, and roof off.	Newtown Vol. Co. assisted by M.F.B., with stand-pipe.
			"	Wm. Maddon	Bootmaker	"	"	"	None.....	"	A very small shop and contents, consisting of a quantity of boots, shoes, &c., burned out, and most part of roof off. Both shops adjoining and communicating.	
			167, King-street, New- town.	William Gosling	Fruiterer	Brick, weather- board, and iron roof.	"	"	"	"	Shop and contents slightly damaged by smoke and water; side wall slightly damaged by fire and windows broken.	
Monday, 8 August.	7:10 p.m.	7:13 p.m.	Union-lane, rear of 610, George-street.	Unoccupied	Stables	Wood, and iron roof.	"	None.....	"	"	A small quantity of rubbish burned, and about 3 x 2ft. of flooring damaged by fire and cutting away.	M.F.B., with buckets of water.
"	9:0 p.m.	No call	Corner of Illawarra and Marrickville Roads.	James Clark	Storekeeper	Brick, and slate roof.	Defect in flue	Industrial Mutual by Excelsior Building Society; and Mercantile Mutual by occup- ant.	Mercantile Mutual	"	Door frame of back room on first floor damaged by fire and breakage.	Inmates, with buckets of water.
"	11:30 p.m.	No call.	Holden-street, Ashfield	Alfred Hedger	Stable and work- shop.	Brick and wood, and iron roof.	Unknown	Mercantile Mutual, £100.	None.....	"	A shed building of two floors, 18 x 13 feet, used as stable and workshop, together with contents, consisting of harness, carpenter's tools, &c., burned out and fallen down. Also, a building, 17 x 19 feet, used as a buggy shed, burned out and fallen down.	Neighbours, with buckets of water.
Saturday, 13 August.	1:50 a.m.	1:59 a.m.	430, Elizabeth-street ..	Reg. H. Beaumont	Confectioner and fruiterer.	Brick, and iron roof.	"	Australian Mutual	Mercantile Mutual, £325.	"	Front shop and contents, consisting of confectionery, fruit, &c., severely damaged by fire and water; rest of house of four rooms damaged by heat and smoke.	Standard Brewery Vol. Co. and M.F.B., with stand-pipe.

* All adjoining and communicating.

LIST and Details of Fires attended by or reported to the Metropolitan Fire Brigade or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Sunday, 14 August.	2-10 a.m.	2-30 a.m.	Corner of Botany Road and Collins-street, Alexandria.	William Wilson	General dealer ..	Brick, and iron roof.	Unknown	Australian Mutual	Australian Mutual	No ..	A small quantity of drapery goods damaged by fire in front shop on ground floor; rest of contents of shop slightly damaged by water, and window and door of shop broken by neighbours.	Neighbours, with buckets of water.
Monday, 15 August.	4-25 a.m.	4-34 a.m.	Rear of 430, Oxford-street, and having a frontage to Victoria-street, Paddington.	Robert Vincent	Billiard saloon ..	Weatherboard, and iron roof.	Unknown	Commercial Union	Commercial Union	No ..	Second fire caused by upsetting of kerosene lamp by Mrs. Wilson .. About 20 x 6 feet of wood ceiling, and about 10 x 3 feet of side of shed building burned; billiard-table and other contents of saloon severely damaged by water.	Paddington Vol. Co., with stand-pipe.
Tuesday, 16 August.	12-5 a.m.	12-43 a.m.	The Brickfields, off Mitchell Road, Alexandria.	Fredk. C. Curlewis	Brick manufac- turer.	Corrugated iron	Kerosene lamp, carelessness with.	None	None	" ..	A shed building, about 45 x 33 feet, containing a quantity of machinery for brickmaking purposes, very severely damaged by fire, and roof off engine-room adjoining, about 15 x 30 feet, also very severely damaged by fire.	Newtown Vol. Co., with stand-pipe, and M.F.B., with manual engine.
Wednesday, 17 August.	10-45 p.m.	No call.	The Corso, Manly	*James Thompson	Tobacconist and hairdresser.	Weatherboard, and iron roof	Unknown	Mercantile Mutual.	Union (New Zea- land), £100.	" ..	A weatherboard building of one floor, used as tobacconist and hairdresser's shop, and one room at back burned out and fallen down.	Manly Vol. Co. with manual engine, assisted by neighbours, with buckets of water.
			"	*Unoccupied	" ..	" ..	" ..	" ..	" ..	" ..	Two weatherboard buildings, consisting of shop and two rooms in each, burned out and fallen down.	
			"	*Emile Picard	Stationer, fancy goods' dealer, and photo- grapher.	Brick, and iron roof.	" ..	" ..	None	" ..	Two shop windows and front door burned out, back and front verandahs severely damaged by fire, rest of shop and contents damaged by heat and smoke; sidewall damaged by heat.	
			"	The "Manly Aquarium"	" ..	Brick, and weatherboard and iron roof.	" ..	" ..	Mercantile Mutual, £4,000; Commercial Union, £1,350.	" ..	Side portions of aquarium of two floors, together with part of roof, very severely damaged by fire; contents in aquarium under slightly damaged by water.	
Monday, 22 August.	11-25 a.m.	11-26 a.m.	5, Hughenden-terrace, Cavendish-street, Petersham.	A. G. Dowler	Private dwelling..	Brick, and slate roof.	Tar boiling over..	Unknown	Unknown	" ..	A weatherboard shed, about 10 x 10 feet, and 12 feet of fencing, burned down. Also, end of shed, used as fowl-house, damaged by fire, and 40 gallons of tar destroyed.	M.F.B. and neigh- bours, with buck- ets of water.
Tuesday, 23 August.	4-10 a.m.	No call.	97, Liverpool-street	G. Henderson & Co. ..	Grocers	Brick, and iron roof.	Unknown	" ..	Scot. Union and Nat., £500; Aus. Mutual, £500; City Mut., £500.	" ..	About 3 x 3 feet of flooring, under staircase, in kitchen, at rear of premises, on ground floor, burned, and a very small portion of stock damaged by fire.	Police, with buckets of water.
Wednesday, 24 August.	4-0 a.m.	4-2 a.m.	3, Union-lane, off George-street.	John Lawler	Bedding and furni- ture manu- facturer.	Brick, stone, and iron roof	" ..	Norwich Union, £1,000.	Norwich Union ..	" ..	A small portion of furniture and some rubbish burned in warehouse on second floor, roof also damaged by fire. Contents in both floors under slightly damaged by water.	M.F.B., with stand- pipe.
Thursday, 25 Aug.	5-48 a.m.	5-56 a.m.	251, Clarence-street	Messrs. Wallace & Co...	Woollen manu- facturers.	Stone and brick, and iron roof.	" ..	United ..	Queen, £5,000; ditto, £1,000; Alliance, £5,000; City of Lon., £3,000; Im- perial, £2,000; South Aust., £2,000; Col. Mut., £2,000; South British, £2,000.	" ..	Basement of warehouse, containing a large stock of woollen and other soft goods, nearly burned out; back gate broken open. Rest of warehouse of four floors, also containing woollen and other made up goods, very severely damaged by heat and smoke.	M.F.B., with steam fire-engine, and hydrants.
Friday, 26 Aug.	5-15 a.m.	5-50 a.m.	147, Church-street, Camperdown.	Robert S. Wilson	Grocer	Weatherboard, and iron roof.	" ..	Australian Mutual	Mercantile Mutual, £100.	" ..	Shop and dwelling of four rooms about 20 x 25 feet, with contents, burned out and fallen down.	Newtown Vol. Co., with stand-pipe, assisted by M.F.B.
Wednesday, 31 Aug.	12-1 a.m.	12-9 a.m.	Rear of 306 and 308, George-street.	Unoccupied; under- going repairs.	Shop	Brick, and iron roof.	Lime slaked through rain.	Norwich Union ..	None	" ..	A quantity of lime in basement of shop slaked through rain.	M.F.B., with hand- pump.
Friday, 2 Sept.	8-0 p.m.	No call.	314, Elizabeth-street ..	M. Aaron	Fruiterer and confectioner.	Brick, and iron roof.	Candle	Unknown	" ..	" ..	A small quantity of furniture and window-frame scorched in backroom on second floor.	Inmates, with buckets of water.
Saturday, 3 Sept.	12-25 a.m.	12-37 a.m.	91, Phillip-street	F. B. Deeming	Plumber and gas- fitter.	Brick, and iron roof.	Unknown	South British, £150.	City Mutual, £300.	" ..	Front shop and a small portion of stock, consisting of plumber's material, severely damaged by fire; rest of contents slightly damaged by smoke; front and back doors broken open.	M.F.B., with stand- pipe.
" ..	1-40 p.m.	1-48 p.m.	Rear of 286 and 288, Sussex-street.	Messrs. Gardner & Maher.	Produce mer- chants.	Wood, and iron roof.	Matches, careles- ness with.	Unknown	Imperial, £500.	" ..	A small quantity of straw burned, and shed used as store in rear of premises slightly damaged by fire.	M.F.B., with stand- pipe.
" ..	6-36 p.m.	6-37 p.m.	43, George-street West..	Wm. Bull	Refreshment saloon.	Stone, brick, and iron roof.	Gas bracket.	New Zealand ..	None	" ..	Paper-hangings on ceiling and round the gas bracket burned in shop on ground floor; ceiling of same slightly scorched.	Inmates, with buckets of water.
Monday, 5 Sept.	10-2 a.m.	10-4 a.m.	531, Kent-street	Peter Passmore (Super- intendent).	Soup kitchen and City Night Refuge.	Stone, and shingle roof.	Spark from chimney.	Phoenix Ins. Co	" ..	" ..	Small portion of roof damaged by fire and cutting away.	M.F.B., with hand- pump.

* All adjoining and communicating.

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List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Friday, 9 September	4:50 a.m.	5:18 a.m.	Railway Viaduct, Peter- sham.	N.S.W. Government Railway.	"Express" goods train.	.....	Unknown	None	Not insured	No ..	Eleven trucks, with contents of same, consisting of mer- chandise and about 200 x 20 ft. of wooden flooring of viaduct, destroyed by fire; three trucks and contents destroyed by breakage caused by falling over embank- ment.	M.F.B., with stand- pipe, assisted by members of Vol. Cos.
"	4:45 p.m.	4:53 p.m.	Lawson-street, Balmain	Messrs. Quiggen & Ker- mode.	Carpenters' shop..	Weatherboard..	"	"	None	" ..	A small portion of flooring of shop and ends of a few planks damaged by fire.	Neighbours, with buckets of water.
Saturday, 10 Sept.	8 p.m.	8:2 p.m.	119, Elizabeth-street ..	Mrs. Maytum	Private dwelling..	Brick, & shingle roof.	"	Unknown	City Mutual, £200; New Zealand, £250.	" ..	Contents of bedroom on ground floor burned; also contents of bedroom on first floor slightly damaged by fire.	M.F.B., with hand- pump.
"	10:28 p.m.	No call.	Walker-st., St. Leonards	Masonic Hall, W. H. M'Lean, Secretary.	.....	Brick, stone, and slate roof.	Gas bracket	Aust. Alliance ..	Unknown	" ..	A quantity of bushes burned and ceiling of hall slightly damaged by fire, a "wild flower" show being held at the time.	Citizens stamping the bushes out.
Monday, 12 Sept.	5 a.m.	5:3 a.m.	825, George-street	W. Webb	Licensed victualler "Railway Hotel."	Brick, and iron roof.	Candle	Commercial Union	Commercial Union	" ..	A quantity of bedding and wearing apparel under staircase on third floor burned; staircase severely damaged by fire; ceilings of rooms under slightly damaged by water.	M.F.B., with stand- pipe.
Thursday, 15 Sept.	3:20 a.m.	3:30 a.m.	31, Chambers-st., Glebe	Unoccupied	Private dwelling..	Weatherboard, and iron roof.	Unknown	Industrial Mutual	None	" ..	Weatherboard cottage of three rooms burned out and fallen down.	M.F.B. and Glebe Vol. Co. with manual engine and stand-pipe.
"	"	"	29, " "	Andrew Johnson	" ..	" ..	" ..	" ..	" ..	" ..	Weatherboard cottage of three rooms, with contents, burned out and fallen down.	"
"	"	"	27, " "	T. W. Evans	" ..	Weatherboard, and shingle roof.	" ..	Australian Mutual, £300.	Australian Mutual, £40.	" ..	Cottage of four rooms very severely damaged by fire; fur- niture slightly damaged by removal.	"
"	"	"	33, " "	C. O'Moore	" ..	Brick, and iron roof.	" ..	.....	None	" ..	Side wall severely damaged by heat, and window in back room on ground floor burned out.	"
Monday, 19 Sept.	8:5 p.m.	No call.	Enmore Road, Newtown	John L. Metcalf	Stationer and fancy goods dealer.	Brick, and iron roof.	Gas bracket	Unknown	Australian Mutual, £350.	" ..	A small quantity of stationery, fancy goods, &c., in front shop window damaged by fire and water.	Inmates, with buckets of water.
Wednesday 21 Sept.	9:20 p.m.	"	Gowrie-street, Newtown	F. R. Laslett	Private dwelling..	" ..	Gas explosion ..	Australian Mutual, £400.	Australian Mutual, £60.	" ..	A quantity of furniture in front and back rooms on ground floor severely damaged by breakage; ceilings of both rooms, together with front and back doors and windows, also on ground floor, blown down by explosion; rest of house very severely damaged by same. The occupant, F. R. Laslett, aged 30 years, severely burned on face, neck, and hands.	Inmates and neigh- bours.
"	11:0 p.m.	11:8 p.m.	88, Cooper-street, Water- loo.	Joseph Menser	General dealer ..	Wood, and shin- gle roof.	Candle	Unknown	None	" ..	A small quantity of straw slightly damaged by fire and water in loft over stable at rear of premises.	Inmates assisted by the Police, with buckets of water.
Thursday, 22 Sept.	1:45 a.m.	2:1 a.m.	Burwood Road, Burwood	Messrs. Happ Bros.	Grocers	Weatherboard, and iron roof.	Unknown	New Zealand	Mercantile Mutual, £100.	" ..	Weatherboard building, consisting of shop and two rooms, with contents, burned out and fallen down.	Burwood Volunteer Company and M.F. B., with manual engines.
"	"	"	"	John Killelt	Hairdresser and tobacconist	" ..	" ..	" ..	Mercantile Mutual	" ..	Weatherboard building, consisting of shop and one room, with contents, burned out and fallen down.	"
"	"	"	"	— Wilson	Stationer	" ..	" ..	" ..	Unknown	" ..	Shop and one room, with contents, burned out and fallen down.	"
"	"	"	"	A. Pike	Tobacconist	Brick, and iron roof.	" ..	.....	None	" ..	Stock and furniture damaged by removal, and plate glass window broken; side wall severely damaged by heat.	"
"	"	"	Corner of Burwood Road and George-street, Burwood.	T. H. Kelly	Licensed victualler "Freemason's Arms."	" ..	" ..	Victoria Insurance Company.	City Mutual	" ..	Side wall severely cracked by heat, and verandah slightly damaged by fire; furniture slightly damaged by water, smoke, and removal.	"
Friday, 23 Sept.	10:20 a.m.	10:28 a.m.	Bligh-street	N.S.W. Government ..	Audit Offices	Brick, stone, and slate roof.	" ..	Phoenix Ins. Co., £1,600.	None	" ..	A small quantity of bedding and about 5 x 4 ft. of wall and skirting board in front room on fifth floor burnt; rest of office slightly damaged by water.	Inmates, with buckets of water.
"	1:5 p.m.	1:10 p.m.	165, Duke-street, Wool- loomooloo.	Catherine Rhodes	Private dwelling..	Brick, & shingle roof.	Spark from chim- ney of house ad- joining.	.....	None	" ..	About 4 x 3 ft. and 2 x 2 ft. of shingle roof burned; ceiling under same damaged by breakage.	M.F.B., with buckets of water.
"	2:30 p.m.	2:50 p.m.	42, Mort-street, Balmain	John Ashby	" ..	Brick, & shingle roof.	Defective flue....	Commercial Union.	None	" ..	A small portion of shingle roof damaged by fire	Neighbours, with buckets of water.
"	4:55 p.m.	5:4 p.m.	347, Dowling-street	Miss Annie M'Guire ..	Boarding-house..	Brick, and slate roof.	Spark from fire- place.	Unknown	None	" ..	Bed and bedding partially damaged in front room on first floor, walls slightly damaged by fire, and ceilings under by water.	Paddington Brewery Vol. Co., with buckets of water, assisted by inmates.
Sunday, 25 Sept.	12:10 a.m.	12:18 a.m.	739, Harris-street, Ultimo	T. S. M'Guire	Cordial manufac- turer.	Brick, & shingle roof.	Unknown	Industrial Mutual	Mercantile Mutual, £1,300.	" ..	Two small front rooms on ground floor, with contents, con- sisting of a quantity of hops, essences, acids, &c., burned out; roof over same severely damaged by fire, and the contents of two back rooms slightly damaged by smoke.	M.F.B., with hydrant.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Sunday, 25 Sept.	10 a.m.	No call.	Ersleville Road, Macdonaldtown.	Wakefield Simpson	Private dwelling.	Brick, and iron roof.	Children playing with matches	Unknown	Australian Mutual, £120.	No	A quantity of bedding and wearing apparel burned in back room on ground floor; other contents of room slightly damaged by water. The occupant, W. Simpson, aged 29 years, burned on hands.	Inmates and neighbours, with buckets of water.
Monday, 26 Sept.	8:20 a.m.	8:30 a.m.	Booth-street, Balmain.	Mrs. Bourke	Boarding-house.	Brick, and slate roof.	Children playing with matches.	Commercial Union, £1,400.	Commercial Union, £200.	"	Bed and bedding burned in front room on first floor; rest of room and contents slightly damaged by water.	Inmates, with buckets of water.
"	2:30 p.m.	2:35 p.m.	15, Ferry Road, Glebe.	George Wells	Private dwelling	Stone, wood, and iron roof.	Smoking tobacco	Australian Mutual £2,000.	None	"	A quantity of straw, chaff, &c., burned in loft over stables; rest of loft damaged by fire; stables under damaged by water.	Glebe Vol. Co. and M.F.B., with stand-pipe.
Wednesday, 28 Sept.	8:20 p.m.	8:40 p.m.	356, Harris-street, Ultimo.	M. Summerfield	Tailor	Brick, and iron roof.	Unknown	Australian Mutual	United Ins. Co.	"	Front shop, with contents, burned out; rest of house of three rooms and kitchen damaged by smoke and heat.	M.F.B., with hydrant.
Friday, 7 Oct.	1:15 p.m.	1:25 p.m.	Castlereagh-street	High School, N.S.W. Government		"	Light thrown down.	None	None	"	A quantity of paper burned in front basement	M.F.B., with buckets of water.
"	11:30 p.m.	No call.	Stanley-street, Arncliffe	Joseph Phillips	Private dwelling.	Weatherboard, and iron roof.	Unknown	Australian Mutual £150.	Unknown	"	A weatherboard cottage of four rooms burned out and fallen down outside Metropolitan area.	Burned itself out.
Sunday, 9 Oct.	8:5 p.m.	8:7 p.m.	Bridge-street	Tramway Terminus, N.S.W. Government.			Kerosene lamp, explosion of.	None	None	"	One tram-car, No. 125, destroyed by fire, and one motor and two cars also slightly damaged by same.	Railway officials, Water Police, North City Vol. Co., and M.F.B., with hand-pump and buckets of water.
"	8:40 p.m.	8:42 p.m.	Enmore Road, Newtown	Joseph Vining	Grocer	Brick, and slate roof.	Incendiarism*	Australian Mutual £533.	City Mutual	Yes.	Front shop, with contents, consisting of a quantity of groceries, damaged by fire and water. Front windows blown out by gas explosion.	Newtown Vol. Co., assisted by M.F.B., with stand-pipe.
Saturday, 15 Oct.	4:25 p.m.	4:35 p.m.	Phillip-street	St. James' Trustees	St. James' Parish Hall.	Brick, and shingle roof.	Spark from chimney of house.	Australian Mutual	Unknown	No	About 3 feet square of shingle roof damaged by fire and cutting away.	M.F.B., with buckets of water.
Sunday, 16 Oct.	1:10 a.m.	1:14 a.m.	144, Macquarie-street South.	Mrs. Annie Krauss	Baker	Brick, and shingle and iron roof.	Smoking tobacco	Industrial Mutual	Industrial Mutual	"	A quantity of wearing apparel and bedding, together with a small portion of sack lining of walls of loft, burned, rest of loft slightly damaged by fire, smoke, &c.	Inmates and Standard Brewery Vol. Co., with buckets of water.
"	4:15 a.m.	No call.	Drummoyne, Parramatta Road, Five Dock.	Messrs. C. Davis & Co.	Butterine Factory	Wood, and iron roof.	Unknown	National (N.Z.), Northern	National (N.Z.), Northern	"	A building of one floor about 63 x 45 feet with contents (consisting of a large quantity of butterine and machinery for manufacturing same) burned out and fallen down. A cottage of four rooms burned out and top floor fallen in. Furniture in same removed.	Burned itself out.
Monday, 17 October.	9:20 p.m.	9:30 p.m.	112, Hay-street	Messrs. J. Lutton & Sons	Ironfounders	"	Furnace, overheat of	Unknown	Unknown	"	About 7 x 3 feet of woodwork in front of furnace damaged by fire.	Neighbours, with buckets of water.
Tuesday, 18 October.	11:30 a.m.	No call.	Balgowlah Township, near Manly.	Samuel M'Connell	Farmer	Weatherboard	Bush fire.	None	None	"	About 2 square miles of bush burned. A shed about 25 x 16 feet containing about a ton of horse fodder. Also a stable, &c., about 16 x 10 feet together with a spring van and a dray cart totally destroyed by fire.	Manly Vol. Co., assisted by tenants and neighbours.
"	8:0 p.m.	8:11 p.m.	118, King-street.	Messrs. Armstrong & Co.	Tailors	Brick, and iron roof.	Smoking tobacco	Unknown	Unknown	"	A small quantity of rags burned in workroom on first floor.	Inmates and neighbours, with buckets of water.
Wednesday, 19 October.	3:55 p.m.	4:0 p.m.	379, King-street, Newtown	Rev. Chas. Stead	Private dwelling	Brick, and slate roof.	Carelessness with matches.	Australian Mutual	Aust. Mutual	"	Front bedroom on first floor together with contents very severely damaged by fire and water. Mrs. Stead, wife of the occupant, aged about 37 years, severely burned on hands.	Newtown Vol. Co., assisted by M.F.B. with stand-pipe.
Thursday, 20 October.	8:25 a.m.	8:50 a.m.	Off Gardiner's Road, Botany.	Mrs. Edwd. Jewell	Rope works	Weatherboard, and iron roof	Smoking tobacco	City Mutual, £200	City Mutual, £100	"	A shed building of 2 floors about 25 x 15 feet. Top floor containing a large quantity of jute, hemp, and other materials used in rope-making burned out and roof off. Floor under severely damaged by fire and water, roof of shed building of one floor attached, and contents consisting of a quantity of machinery damaged by fire and water. Outside M.F.B. district.	Neighbours, M.F.B. and police with hand-pump and buckets of water.
"	1:30 p.m.	No call.	252, Castlereagh-street, Carrington Hall.	R. D. Brasch	Clothier	Brick, and iron roof.	Spark from furnace.	New Zealand	Australian Mutual	"	About 2 feet square of wooden flooring on second floor burned, also wooden ceiling under slightly damaged by fire.	Inmates with buckets of water.
Friday, 21 October.	6:22 p.m.	6:27 p.m.	199, Elizabeth-street	John Gibbs	Printer	Brick, and shingle roof.	Gasoline lamp, upsetting of.	Unknown	Unknown	"	The alarm was caused by the upsetting of a gasoline lamp, and was extinguished before any damage was done.	One of the occupants, with a cloth.
Saturday, 22 October.	1:25 a.m.	1:30 a.m.	108, Market-street	Messrs. Jenkins and M'Kinlay.	Jewellers	Brick, and iron roof.	Gas-heating apparatus, careless use of.	Australian Mutual	None	"	About 1 square foot of counter in shop on ground floor burned.	M.F.B., with buckets of water.
"	12:40 p.m.	1:13 p.m.	Enmore Road, Newtown	Isaac Wyld	China and glass-ware dealer.	Corrugated iron	Hot ashes	Mercantile Mutual	Australian Mutual Standard (N.Z.)	"	Six crates containing crockery slightly damaged by fire and breakage on ground floor in shed; outbuilding at rear of premises; about 6 x 6 feet of flooring on first floor burned. The mains were not charged with water at the time of this fire.	M.F.B., with hand-pump.

* NOTE.—27 different fires were discovered in various parts of the shop, consisting of shavings, candles, lard, benzene, and kerosene. The gas-pipe was pulled down for the purpose of allowing the gas to escape. The occupant, Joseph Vining, was arrested on suspicion of having set fire to the premises. Joseph Vining was tried at the Quarter Sessions, held at Darlinghurst on the 21st and 22nd of November found guilty of arson, and sentenced to six years' penal servitude.

List and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date	When discovered.	Time of call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended.	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Tuesday, 25 October.	11.3 a.m.	11.13 a.m.	63, Oxford-street	G. C. Bryant	Draper	Brick, and iron over shingle roof.	Gas-heating apparatus, carelessness with.	Australian Mutual.	Norwich Union, Liverpool and London & Globe.	No	A small portion of wood ceiling of front shop burned, and contents of window, consisting of drapery, &c., slightly damaged by smoke and water.	Inmates, assisted by M.F.B. with buckets of water.
Friday, 28 October.	12.0 a.m.	No call.	"Argyle House," Burwood Road, Burwood.	Geo. F. Cook	"	Brick, and iron roof.	Matches, carelessness with.	South British, £2,000.	Australian Mutual, Standard (N.Z.)	"	About 6 x 12 feet of wooden partition burned, and a small quantity of stock, consisting of straw hats, &c., slightly damaged by fire and water.	Inmates, with buckets of water.
Sunday, 30 October.	9 p.m.	"	Denison Road, Peter-sham.	Arthur Mason	Private dwelling.	Brick, and slate roof.	Unknown	Industrial Mutual	Mercantile Mutual, £300.	"	About 4 feet of flooring and skirting boards burned in middle room on ground floor, also contents of same, consisting of a small quantity of wearing apparel, books, &c., slightly damaged by smoke and water; window and door broken at rear of premises.	Inmates and neighbours, with buckets of water.
Tuesday, 1 November.	11.55 a.m.	12.4 p.m.	27, Charles-lane	S. Stanley	Packing-case maker.	Weatherboard, and iron roof.	Fire, careless use of.	Australian Mutual, £250.	None	"	A quantity of packing-cases burned, and about 12 x 10 feet of roof and sides of shed damaged.	Inmates and neighbours, with buckets of water.
Wednesday, 2 November.	8.10 p.m.	No call.	Spicer-street, Woollahra	Unoccupied	Private dwelling.	Weatherboard, and shingle roof.	Doubtful	United, £200	"	"	Canvas lining in back bedroom burned, and window slightly scorched.	Neighbours, with buckets of water.
Saturday, 5 November.	9.0 a.m.	No call.	Cobar-street, Old Canterbury Road, Peter-sham.	"	"	Weatherboard, and iron roof.	Smoking tobacco	None	"	"	A small quantity of canvas lining of wall in front and back rooms burned, and wood-work slightly charred.	Burned itself out.
Monday, 7 November.	2.0 a.m.	2.9 a.m.	Silver-street, Marrickville.	"	"	Brick, and iron roof.	Unknown	Mercantile Mutual.	"	"	A cottage of six rooms and wash-house severely damaged by fire and roof off.	M.F.B., with stand-pipe.
Thursday, 10 Nov.	3.5 a.m.	3.15 a.m.	128, Oxford-street	John Donovan	Tailor and clothier	Brick, and shingle roof.	"	Unknown	New Zealand	"	A small portion of wooden partition and a small quantity of tweed cuttings burned in front shop.	Night watchman and police, with buckets of water.
Saturday, 12 Nov.	2.0 p.m.	No call.	35, William-street East	Mrs. H. Croft	Boarding-house	Brick, and slate roof.	Gas-heating apparatus, careless use of.	"	Aust. Mut., £250	"	A small portion of furniture and wearing apparel damaged by fire, also a small quantity of crockery broken in back room on ground floor.	Neighbours, with buckets of water.
Thursday, 17 Nov.	10.48 p.m.	11.2 p.m.	"Regent Cottage," Regent-street, Camperdown.	G. S. Terrett	Private dwelling.	"	Kerosene lamp, upsetting of.	Australian Mutual.	Com. Union, £150	"	Bed and bedding burned in back room on ground floor, rest of contents of room damaged by fire and water.	Inmates, assisted by Newtown Vol. Co., with buckets of water.
Friday, 25 Nov.	8.55 p.m.	9.17 p.m.	105, Church-street, Camperdown.	Stephen Pocock	"	Brick, and iron roof.	Flue, defect in	Unknown	None	"	About 3 feet of roof over kitchen burned, ceiling under slightly damaged by water.	Inmates, with buckets of water.
"	10.30 p.m.	No call.	Broughton-street, East St. Leonards.	Edwd. Seymour	"	Brick, and slate roof.	Candle	Sydney Mutual	"	"	A small quantity of wearing apparel damaged by fire in bedroom on first floor, bed curtains also burned.	"
Saturday, 26 Nov.	10.45 a.m.	11.10 a.m.	52, Ross-street, Forest Lodge.	Mrs. M. A. Jones	"	Brick, and shingle roof.	Smoking tobacco	None	"	"	Cottage of four rooms burned out, and roof off; three rooms attached severely damaged by fire and water. Contents damaged by removal.	M.F.B. and Glebe Vol. Co., with stand-pipes.
"	11.7 a.m.	11.12 a.m.	77, Pitt-street N.	The Adelaide Marine Insurance Co.	Offices	Brick, and slate roof.	Light thrown down.	United	Unknown	"	A quantity of paper and rubbish burned in front basement; two iron ventilators in street, and glass-door in back office on ground-floor broken. Contents in building slightly damaged by smoke.	M.F.B., with hydrant.
Sunday, 27 Nov.	2.50 p.m.	2.55 p.m.	328, Liverpool-street	Geo. Brown	Private dwelling.	Brick, and iron roof.	Matches, children playing with.	Unknown	"	"	Window curtains burned, and window frame slightly damaged by fire in front room on second floor.	Inmates, with buckets of water.
Thursday, 1 December.	10.15 p.m.	10.23 p.m.	8, Hannam-street	David Irvin	"	"	Candle	"	None	"	A small quantity of wearing apparel, bed and bedding, window curtains and frame, damaged by fire in front room on first floor; rest of contents of room slightly damaged by smoke and water.	"
Saturday, 3 December.	11.55 p.m.	11.57 p.m.	199, Pitt-street	*Messrs. Harris & Ackman	Auctioneers	Brick, and iron and glass roof.	Smoking tobacco	In several offices, £18,000.	In several offices, £18,500.	"	Two cases of bedsteads damaged by fire in back warehouse on first floor.	M.F.B., with hand-pump and buckets of water.
Sunday, 4 December.	1.30 a.m.	1.58 a.m.	Rear of 191, Victoria-street, Darlinghurst.	George Austin	Stables	Brick, and shingle roof.	Unknown	Victoria	None	"	A building, about 27 x 15 feet, used as stables and loft, burned out, and roof off. Shingle roof of similar building, used as store-room, &c., severely damaged by fire. Two horses severely burned.	Paddington Brewery Vol. Co., assisted by M.F.B., with manual engine.
"	7.45 p.m.	No call.	377, Oxford-street, Paddington.	Miss Papley	Dressmaker and milliner.	Brick, and iron roof.	Gas bracket	Unknown	"	"	A small quantity of stock in front window on ground floor damaged by fire and water.	Inmates, with buckets of water.
Tuesday, 6 Dec.	8.45 p.m.	8.50 p.m.	292, King-street West, Newtown.	W. Lawler	Private dwelling.	Brick and stone, and slate roof.	Candle	Commercial Union, £350.	"	No	Bed and bedding in front room on first floor damaged by fire and water; walls and ceiling of same slightly damaged by smoke; ceiling underneath slightly damaged by water.	Neighbours, assisted by Newtown Vol. Co. and M.F.B., with buckets of water.
Wednesday, 7 Dec.	5.10 p.m.	No call.	36, Fountain-street, Alexandria.	John Ross	"	Brick and wood, and iron roof.	Incendiarism	Mercantile Mutual	"	"	Bed, bedding, and a small quantity of wearing apparel burned in front room on ground floor.	Inmates and neighbours, with buckets of water.

* Previous fire, 23rd January, 1886.

† Mr. and Mrs. James Campbell were arrested on suspicion of having set fire to the premises, tried at Redfern Police Court on the 13th December, and committed to take their trial at the Quarter Sessions to be held at Darlinghurst, 31st January, 1888.

LIST and Details of Fires attended by, or reported to, the Metropolitan Fire Brigade, or Volunteer Fire Companies—continued.

Date.	When discovered.	Time of Call.	Locality.	Name of Tenant.	How Premises occupied.	Construction of Premises.	Origin or supposed cause of Fire.	Insurances.		Was an Inquest recommended?	Extent of Damage, &c.	Extinguished by
								Building.	Contents.			
1887. Wednesday, 7 Dec.	9 p.m.	9-21 p.m.	King-street, Macdonald-town.	Frederick Cox	Hay and corn dealer.	Wood and iron.	Smoking tobacco.	Union of New Zealand, £250.	Union of New Zealand, £75.	No.	About twenty-eight bales of straw and about eight bales of lucern damaged by fire and water; sides of building and stables adjoining also damaged by fire.	Newtown Vol. Co., assisted by M.F.B., with stand-pipe.
Thursday, 8 Dec.	7-50 p.m.	No call.	Shepherd-street, Redfern.	William Muir	Private dwelling.	Brick, and iron roof.	Light thrown down.	Unknown	None.....	"	No damage done to the premises. Mary Muir, aged 16 years, slightly burned on back and legs.	Members of the M.F.B., Darlington Vol. Co., and police.
Friday, 9 Dec.	10-52 p.m. 7-30 p.m.	10-55 p.m. No call.	Liberty-street, Stammero. Corner of Church and Pennant Streets, Parramatta N.	N. S. Wales Government Luke Dunn	Railway bridge .. Licensed victualer, "Currency Lass Hotel."	..... Brick, and shingle roof.	Spark from chimney of engine. Unknown	None..... Australian Mutual	" .. Mercantile Mutual, £480.	" .. "	About 1 square foot of wooden flooring of bridge damaged by fire. A building of two floors at rear of premises about 60 x 15 feet; the upper part used as loft, and containing a quantity of loose hay, severely damaged by fire and water; portion of flooring burned and roof off; about 15 feet of same floor divided from loft and used as a lumber room, and containing a bagatelle-board and a small quantity of furniture severely damaged by fire and water, and roof partly burned off. Lower part of premises used as stables slightly damaged by water.	Employés, with buckets of water. Parramatta Nos. 1 and 2 Vol. Cos., with hydrant and engines, assisted by neighbours, with buckets of water.
Monday, 12 Dec.	10-40 a.m.	10-41 a.m.	Off Ultimo-street	J. W. Flanagan.....	Hay and corn dealer.	Wood and iron, and iron roof.	Matches, child playing with.	None	None	"	A building about 90 x 80 ft. containing a large quantity of hay, straw, chaff, and other produce, together with engine and boiler house, nearly burned out and most part fallen down.	M.F.B., with steam fire-engines and stand-pipes, assisted by Standard Brewery, Darlington, and Alexandria Vol. Cos. Employés.
	3-5 p.m.	3-8 p.m.	365, Pitt-street	A. B. Pyke	Furniture dealer	Brick, and iron roof.	Boiling over, varnish.	Unknown	Unknown	"	A small quantity of varnish burned in room on third floor. John Wilkinson, one of the employés, aged 28 years, severely burned on face, hands, and body; taken to the Sydney Hospital. Since dead.	
Tuesday, 13 Dec.	4-25 p.m.	4-35 p.m.	Glenmore Road, Paddington.	M. H. Stephens.....	Private dwelling..	Open ground ..	Light thrown down.	None	None.....	"	A number of bamboo trees burned in open ground at rear of residence.	Paddington Vol. Co., with stand-pipe.
Wednesday, 14 Dec.	5-10 p.m.	5-18 p.m.	80, Clarence-street ...	Samuel Jay	Soft goods warehouseman.	Brick, and iron and wood roof.	Unknown	United	New Zealand, £1,000.	"	A warehouse of one floor, including offices, about 30 x 48 ft. containing quantity of soft goods severely damaged by fire and water.	M.F.B., with hydrant.
Thursday, 15 Dec.	2-0 a.m.	No call.	Corner of Caroline and Abercrombie Streets, Redfern.	Mrs. Barbara Greaves ..	General dealer ..	Brick, and slate roof.	Incendiarism ..	Unknown	City Mutual, £300.	"	A quantity of millinery and other fancy goods severely damaged by fire and water in front shop window. Wood-work and frame of window burned and rest of contents of shop slightly damaged by smoke.	Inmates, with buckets of water.
Wednesday, 21 Dec.	7-10 a.m.	"	Paul's-lane, off Pitt-street, Redfern.	Unoccupied	Private dwelling..	Weatherboard, and iron roof.	"	"	None	"	About 2 ft. of lining boards and about 2 x 2 feet of flooring burned in middle room on ground floor.	Neighbours, with buckets of water.
Thursday, 22 Dec.	2-20 a.m.	2-26 a.m.	Great Buckingham-street, Redfern.	Messrs. A. Horder & Sons.	Universal providers. Furniture factory and store.	Brick, and iron roof.	Unknown	Queen, £2,500; South British, £1,500.	South British, £1,000.	"	A building of four floors, about 36 x 100 feet, containing a large stock of furniture, upholstery, &c., together with engine-house of one floor, containing engine, &c., burned out, and most part fallen down; also a kitchen of one floor burned out and roof off.	Steam fire-engines of M.F.B., and stand-pipes of several Volunteer Companies.
				"	Bedding store....	" ..	" ..	Queen, and South British, £3,000.	South British, £1,500.	"	A building of four floors, used as a bedding store, about 24 x 100 feet, containing a large quantity of bedding, &c., burned out and most part fallen down.	"
				"	Bedding factory	" ..	" ..	National of New Zealand.	Not insured ..	"	A building of two floors, about 30 x 100 feet, used as a bedding factory, containing a large quantity of bedding materials. Top floor and contents severely damaged by fire and falling walls of bedding store. Ground floor and contents severely damaged by water.	"
				"	Furniture warehouse.	" ..	" ..	Queen, and South British, £3,000.	South British, £4,000.	"	A building of four floors, about 24 x 100 feet, containing a large quantity of furniture. Side windows and doors of same severely damaged by heat. Contents of ditto slightly damaged by water.	"
Friday, 30 Dec.	3-50 a.m.	4-12 a.m.	Corner of Addison Road and East-street, Marrickville.	A. W. Cramp	Grocer	Wood and iron, and iron roof.	Candle	None	Mercantile Mutual £150.	"	A shed building, about 36 x 15 feet, at rear of main premises, used as stables, store, &c., with a small quantity of contents, consisting of harness, &c., partially burned out and most part of roof off.	Inmates and neighbours, with buckets of water, assisted by M.F.B. and Leichhardt Vol. Co., with hand-pump.
Saturday, 31 Dec.	10-59 p.m. 11-15 p.m.	11-4 p.m. No call.	No. 3, St. John's-place, off Sussex-street, Parramatta Road, Leichhardt.	Charles Shepherd..... E. L. Davis.....	Private dwelling.. China and glass-ware dealer.	Brick, stone, and slate roof. Brick, and iron roof.	Kerosene lamp, upsetting of. Light thrown down.	Unknown	None..... Nor. Union, £450.	" .. "	A small quantity of bedding damaged by fire in front room on first floor. A small quantity of wearing apparel and some furniture damaged by fire in back room on first floor.	Inmates, with buckets of water. Inmates, with buckets of water.

[Supplement to the New South Wales Government Gazette, Wednesday, 23rd November, 1887.]

Colonial Secretary's Office,
Sydney, 23rd November, 1887.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the following Regulations, made by the Volunteer Fire Companies, at a meeting of representatives of such Companies, held at the Town Hall, Sydney, on the 16th November, 1887, in pursuance of notice published in the *Government Gazette*, under section 3 of the "Fire Brigades Act, 1884," for the election of a member of the "Fire Brigades Board."

HENRY PARKES.

REGULATIONS framed at a meeting of representatives of the Volunteer Fire Companies, held in the Town Hall, Sydney, at noon on Wednesday, 16th November, 1887, for the purpose of making Regulations for the election of a Volunteer representative for the Metropolitan Fire Brigades Board in pursuance of notice in the *Government Gazette* of 11th November, 1887.

1. Any Brigade allowed to vote must have a distinct captain at its head, and the said Brigade shall have been in existence at least three months prior to the said election.
2. At all elections, except for the year 1887, candidates for the office of Members of the Fire Brigades Board shall be nominated by at least two Volunteer Companies who are duly qualified to vote. All nominations shall be made in writing, addressed to the chairman of the Fire Brigades Board, at least seven days prior to the date of election.
3. The meeting for the election of a representative to act as Member of the Fire Brigades Board shall be held on the second Wednesday in December, 1887, at the Town Hall, Sydney.
4. The next regular election shall be held on the third Friday in March, 1888, and henceforth the elections shall be held bi-annually on the third Friday in March, at the same hour as aforesaid, at a convenient and suitable place to be named by the chairman of the Metropolitan Fire Brigades Board, who shall give at least seven days' notice in the daily newspapers of the day, hour, and place of meeting.
5. If the said day should be a public holiday, then the election shall take place on the Friday immediately preceding.
6. The persons to vote at such election shall be one elected from each Brigade, and every such elector shall, at the time of voting, produce a certificate signed by the captain and secretary of his Brigade to the effect that such person has the authority of the said Brigade to vote at such election.
7. In the event of an extraordinary vacancy, the chairman of the Fire Brigades Board shall within fourteen days convene a meeting of the electors in the manner provided in the 3rd regulation, for the purpose of electing a member of the Board, who shall hold office only till the end of the term for which his predecessor was elected.
8. At any meeting of electors five shall form a quorum. The meeting shall elect a chairman, who shall be also returning officer.
9. In the event of there being more than one candidate for election, the votes shall be taken by ballot in the usual manner.
10. No elector shall have more than one vote, except the chairman, who shall have a casting vote.
11. A meeting of representatives shall be held bi-annually twenty-one clear days prior to the day of nomination, for the purpose of making arrangements for the election of a representative on the Metropolitan Fire Brigades Board.
12. None but *bond fide* Volunteer firemen who have been six months on the roll of the Brigade, shall be eligible for election as a representative of the Volunteer Fire Brigades on the Metropolitan Fire Brigades Board.

Signed, on behalf of the Volunteer Fire Companies of the Metropolitan District,—

HENRY WOODS, Captain, Chairman.
J. H. MARSH, Hon. Secy., N.S.W. Vol. F. Bs. Assn.

A Bill to amend the "Fire Brigades Act, 1884."

WHEREAS it is expedient that the Fire Brigades Act of 1884 should be amended and that better provision should be made for the prevention and extinguishment of fires and for other purposes hereinafter mentioned. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for the Metropolitan Fire Brigades Board with the consent of the Governor in Council from time to time to borrow such moneys as the Board shall deem necessary in order to enable the Board to carry out and perform the powers authorities and duties vested in or conferred or imposed upon the Board by this or the principal Act and shall have power with the like consent to issue debentures under the seal of the Board for the amounts so borrowed together with agreed interest thereon and shall have power to purchase hold alienate and deal with real and personal property of every description.

2. The Board shall have power to frame regulations providing for—

- (I) Insuring discipline and good conduct and obedience to the orders of the Superintendent amongst members of Volunteer Fire Companies registered by the Board and such regulations may be enforced by penalties as hereinafter provided in section 31.
- (II) Insuring discipline and good conduct and obedience to the orders of the Superintendent amongst members of the Metropolitan Fire Brigade and to enforce the same by penalties not exceeding in any case thirteen pounds (£13) recoverable in the usual way or at the discretion of the Board by reduction in pay or by fines in accordance with such scale as may from time to time be determined.
- (III) Framing regulations on all matters in connection with the prevention of fire in any place over which the Board's jurisdiction extends or may be extended. All such regulations when approved by the Governor in Council and published in the *Government Gazette* shall have the full force of law.
- (IV) Framing regulations under sub-section 5 of section 10 of Principal Act with a scale of penalties and when approved by the Governor in Council and published in the *Government Gazette* they shall have the full force of law.

3. The Board shall have power to institute proceedings against any person or persons who by his or their carelessness or wilful intent may cause any dangerous or inflammable material or substance to be stored stacked or placed in or upon or adjacent to any building wharf or bond contrary to the provisions or spirit of any Act whereby any property whatsoever might be endangered or risked by either explosion spontaneous ignition or by the careless or wilful deed of any person or persons. It shall be lawful for the Board from time to time to frame a schedule or schedules of dangerous substances and also regulations governing the storage warehousing and accumulation of the same and likewise a scale of penalties for any infringement of such regulation such schedule penalties and regulations when approved by His Excellency the Governor and published in the *Government Gazette* shall have the force of law.

4. With regard to the following businesses that is to say the manufacture of gunpowder or of detonating powder or of matches ignitable by friction or otherwise or other substances liable to sudden explosion inflammation or ignition or of vitriol or of turpentine or of naphtha or of varnish or of fireworks or of painted covers or of oilcloth and other manufactures dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion so far as relates to the carrying on of any such business in the neighbourhood of public ways or buildings it shall not be lawful for any person to establish or newly carry on such businesses or any of them either in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any other building or any vacant ground belonging to any other person than his landlord and if any such businesses or any of them be now carried on in any situation within such distances then from the expiration of a period of five years next after the first day of January it shall not be lawful to continue to carry on such businesses or any of them in such situation and if any person establish anew any such businesses or any of them or carry on any such businesses or any of them contrary to this Act then on conviction thereof before two Justices or a Stipendary Magistrate such person shall be liable to forfeit for every day during which such businesses shall be carried on a sum not exceeding fifty pounds as the said Justices or Stipendary Magistrate shall determine and it shall be lawful for the Justices or Stipendary Magistrate also to award to the prosecutor such costs as shall be deemed reasonable and if the offender either fail or refuse to pay such penalty and costs immediately

Regulations.
For Volunteer
Fire Companies.

Metropolitan
Fire Brigade.

For prevention
of fire.

Governing sub-
section 5 of
section 10 of
Principal Act.

Businesses
dangerous to
fire.

Penalty

immediately after such conviction then they may be levied by distress of the goods and chattels of the person convicted or if there be no such distress then such person shall be committed to the common gaol for any time not exceeding six months at the discretion of such Justices or Stipendary Magistrate by warrant under the hands and seals of two or more such Justices of the Peace or Stipendary Magistrate.

5. It shall be lawful for the Superintendent or any police constable having reasonable grounds to suspect any person of having explosives or explosive substances as defined in Section 4 of the Gunpowder and Explosive Consolidation Act of 1876 on any premises within the City of Sydney or any Borough as defined by the Municipalities Act 1867 contrary to the provisions of the Gunpowder Explosive Consolidation Act of 1876 or any amendments thereof under the written direction of the Chairman of the Board or of the Mayor or Chairman of any Municipal District or Borough not included in the jurisdiction of the said Metropolitan Board for any district to enter in and upon and search such premises and to seize and detain any such explosive or explosive substances as aforesaid found on such premises for the purpose of being produced on the hearing of any information or complaint against any person under the aforesaid Gunpowder and Explosive Consolidation Act of 1876 and if admittance to the Superintendent or such police constable is in any case refused or wilfully delayed the person so offending shall forfeit and pay a penalty of not less than five pounds nor more than fifty pounds.

Superintendent or police constable to enter premises in search of explosives.

6. The Superintendent or the Board by its authorized officers servants or agents may without being deemed wrong-doers break into any place where the property of the Board is detained contrary to the order of the Superintendent or Board and may remove the same Any person obstructing the Superintendent or the Board's officers servants or agents shall be liable to a penalty not exceeding thirty pounds.

Penalty. Detention of Board's property. Obstruction to Board or the Superintendent.

7. When in the opinion of the Board or Superintendent the circumstances connected with a fire are sufficiently suspicious as to warrant an inquiry being held into them it shall be lawful for any Insurance Corporation or Company Association or Underwriters to withhold payment of the sums claimed under their policies affected thereby at the request of the Board or Superintendent notwithstanding anything to the contrary contained in such policies or conditions thereof until such time as the inquiry shall have terminated or in event of there being no inquiry until the Board or Superintendent signifies in writing that this restriction is removed.

Suspicious circumstances of a fire. Insurance Company can withhold amount of policy until restriction is removed by Board.

8. It shall be lawful for the Board to charge to the officers and members of the Brigade and all other persons who may by the authority of the Board use or occupy any lands houses or property belonging to or vested in the Board such rent as may be agreed upon between the said Board and the said officers and members or other persons and may recover any arrears of the said rent in the same manner and by the same remedies and with the same rights as landlords are by law entitled to recover rents in arrears And it shall also be lawful for the said Board to deduct from any salary wages or moneys payable by the said Board to any officer or member of the said Brigade or other person employed by or in the service of the Board all such arrears of rent.

Recovery of rents and fines.

9. Where any officer fireman or other person who has been employed by the Board in any capacity under this or the principal Act and has been discharged therefrom continues to occupy any house building room or quarters or premises that may have been provided for his use or any part thereof after notice in writing from the Board to deliver up possession thereof it shall be lawful for any Magistrate on the oath of one witness stating such notice to have been given by warrant under his hand to order any constable to enter into the said house building room quarters or premises occupied by such discharged officer or other person aforesaid and to remove him and his family and servants therefrom and afterwards to deliver the possession thereof to the Board as effectually and to all intents and purposes as the Sheriff having jurisdiction within the place where such house or building room quarters or premises is situate might lawfully do by virtue of a writ of possession or a judgment at law.

Failure to deliver up any premises in occupation by firemen.

10. It shall be lawful for the Superintendent when requested by the owner or occupier of any property on fire or by the duly authorized agent of such occupier to permit any part of the Fire Brigade Members or plant with their engines horses carts escapes and other implements to proceed beyond the limits of the Metropolitan District for the purpose of extinguishing any fire or fires or saving jeopardised property In such case the owner and occupier of the property as the case may be where the fire has occurred shall be liable to defray all the expenses that may be incurred by the Fire Brigade in so attending and shall pay to the Board such amount as the Board may determine In default of payment any expenses under this section may be recovered in a summary manner.

Brigade may proceed beyond limits of Metropolitan District.

11. The Board may also permit any part of the Fire Brigade Members or plant to be employed on special services upon such terms of remuneration as the Board may think fit.

Brigade may be employed on special services.

12. The Board shall have power to hold an inquiry into any matter connected with the administration of this or the principal Act or of the regulations under either and shall have power to call for and examine any witnesses on oath and to call for any books papers documents and articles bearing on the subject of any such inquiry.

Board to have power to hold inquiries.

13. The evidence of all inquiries made by the Board shall be taken down in writing Should the evidence tend in the opinion of the Board to criminate any person or persons the Board may forward all evidence to the Colonial Secretary with a request that the necessary steps be taken to criminally prosecute such person or persons should he deem so fit.

Evidence to be in writing.

14. It shall be lawful for the Board to establish and maintain a Salvage and Patrol Corps consisting of an efficient force of firemen or others and to furnish such Corps with all necessary quarters and with all such appliances horses carts hose accoutrements tools telephones and implements as may be necessary for the complete equipment of the force or conducive to the efficient performance of their duties and the cost and expense thereof shall be defrayed by the Fire Insurance Companies *pro rata* in addition to their contribution as provided under the principal Act.

Salvage Corps.

15. The Superintendent shall by virtue of his office be and have and exercise all the powers of an Inspector under the Act 35 Vict. No. 1 (Storage and Sale of Kerosene Restriction Act) and the Act 40 Vict. No. 1 (The Gunpowder and Explosives Consolidation Act of 1876) or any amendments thereof.

Superintendent to exercise other powers.

16. The Superintendent shall have free access to any and every part of any building yard or premises or any ship or vessel moored at or near any wharf jetty bridge vessel or building whereon or on board whereof he suspects or believes that any trade or process is carried on which may be dangerous to life or property or that any explosive or explosive substance or inflammable material is there stored kept or placed (excepting in accordance with the Acts 35 Vict. No. 1 and 40 Vict. No. 1) or that empty crates casks cases or other packages sawdust cuttings or shavings of woods or paper hay straw matting fibre brushwood firewood coal coke wood worked or unworked timber manure rags ashes charcoal rubbish lime or other substances which may in the opinion of the Superintendent cause danger to life and property by fire is stored kept or placed and may deliver or cause to be delivered or posted to the person in occupation of any such ship or vessel house yard or premises or if there shall be no person in occupation then to the owner or lessee thereof or to the master owner or agent of any such ship or vessel a notice in writing requiring such occupier owner lessee master owner or agent to remove from such house yard or premises ship or vessel all such explosive or dangerous materials within the time named in such notice and if default shall be made in complying with such notice the person so making default shall be liable to a penalty not exceeding fifty pounds nor less than five pounds and every person who shall obstruct or hinder the Superintendent in inspecting any such building yard place ship or vessel as aforesaid shall on conviction forfeit and pay a penalty not exceeding fifty pounds nor less than five pounds.

Superintendent to have free access to premises, &c.

Penalty.

17. That for the purpose of more effectually regulating the procedure in respect of inquests on fires the sub-section 7 of section 6 of the Fire Brigades Act 47 Vict. No. 3 shall read as follows "after the word purpose in the third line" any case of fire which in the opinion of the Superintendent shall be deemed to have arisen from circumstances of a suspicious character the Coroner for the district shall proceed to hold an inquiry forthwith notwithstanding any provisions of any Act to the contrary.

Inquests to be held by Coroner.

Amendment of sub-section 7 of section 6 of Principal Act.

18. At any judicial inquiry or trial into the causes or circumstances of a fire if it can be proved exhaustively that the fire can have been caused in no other way than by the wilful act of certain person or persons it shall be lawful to commit such person or persons for arson or incendiarism as the case may be (Reg. v. Gardner 1 F. and F. 669).

Judicial inquiry — procedure at.

19. Evidence may be given of experiments made subsequently to a fire to prove its origin (Reg. v. Heseltine 12 Cox C.C. 404).

Evidence of experiments respecting origin or cause of fire.

In any indictment for arson the books of any Insurance Company or Companies interested in the case may be produced to prove the insurance without notice being given to produce the policy.

20. On the happening of any loss or damage by fire to any property the Superintendent or the Board by its authorized officers servants or agents may without being deemed wrong-doers enter into the building or place in which such loss or damage has happened and for a reasonable time remain in possession thereof and of any property which is contained therein and in the event of circumstances which in the opinion of the Superintendent or police are of a suspicious nature may continue in possession until due inquiry has been made into the cause or origin of such loss or damage.

Board may be represented by counsel at inquest.

Remaining in charge of buildings where fire has occurred.

Copy

COPY OF SEC. 83 14 GEO. III. C. 78.

Copy of sec. 83
14 Geo. iii. c 78.

21. And in order to deter and hinder ill-minded persons from wilfully setting their house or houses or other buildings on fire with a view of gaining the insurance money whereby the lives and fortunes of many families may be lost or endangered be it further enacted by the authority aforesaid that it shall and may be lawful to and for the respective Governors or Directors of the several insurance offices for insuring houses or other buildings against loss by fire and they are hereby authorized and required upon the request of the Board or of any person or persons interested in or entitled unto any house or houses or other buildings which may hereafter be burned down demolished or damaged by fire or upon any grounds of suspicion that the owner or owners occupier or occupiers or other person or persons who shall have insured such house or houses or other buildings have been guilty of fraud or of wilfully setting their house or houses or other buildings on fire to cause the insurance money to be laid out and expended as far as the same will go towards rebuilding reinstating or repairing such house or houses or other buildings so burned down demolished or damaged by fire unless the party or parties claiming such insurance money shall within sixty days next after his her or their claim is adjusted give a sufficient security to the Governors or Directors of the insurance office or offices where such house or houses or other buildings are insured that the same insurance money shall be laid out and expended as aforesaid or unless the said insurance money shall be in that time settled and disposed of to and amongst all the contending parties to the satisfaction and approbation of such Governors or Directors of such insurance office or offices respectively.

Searching
buildings for
indication as to
cause or origin
of fire.

22. The Superintendent may if he deem it expedient cause search to be made amongst the debris for and may have removed any materials which in his opinion may aid in determining the cause or origin of any fire and may produce in evidence the materials so removed or may require the jury empannelled for any fire inquisition to view such materials *in situ* which from its nature or surrounding circumstances may not be removable At any inquisition into the origin or cause of fire it shall be lawful to examine into circumstances which though not directly bearing on the actual physical cause of the fire may be of such a character as in the opinion of the Superintendent might throw light on the origin of and may have led to it.

Possession of
goods found in
premises on fire.

23. It shall be lawful for the Superintendent at any fire to take possession for safe custody until duly authorized by the Board to return to the persons legally entitled thereto all books of accounts papers and other documents safes or other property found in the premises on fire or which may have been removed therefrom.

Lighting fires in
open air.

24. It shall not be lawful for any person or persons except under Municipal authority or by-law to make or cause to be made any fire in the open air within the City of Sydney or any Borough as defined by the Municipalities Act of 1867 at a less distance from any building or enclosure or party wall or party fence or public way than twenty feet under a penalty not exceeding twenty pounds for every such offence.

To build or to
stack fuel and
straw.
Penalty

25. It shall not be lawful for any person or persons to stack or pile any loose hay or straw in the open air within the City of Sydney or Borough as defined by the Municipalities Act of 1867 at a less distance than seventy feet from any building or enclosure or party wall or party fence or public way under a penalty of not less than twenty pounds for every such offence.

Discontinuance
of gas or other
artificial light.

26. Every gas or other artificial light supplying Company or person shall forthwith on receipt of notice of any fire occurring within the Municipality or District where their supply is laid on send some competent person to shut off and disconnect the gas or other artificial light supply from the building on fire and those immediately adjoining.

Tampering with
apparatus &c.
connected with
water supply.

27. Any person wilfully interfering or tampering with damaging or destroying any lock fire-plug hydrant pipe or other apparatus connected with the water supply in any street lane place or premises shall be liable to a penalty not exceeding five pounds for each offence Any person wilfully tampering or interfering with any fire alarm or other signalling apparatus for the purpose of either damaging or destroying the same or of giving a false alarm to any station shall be liable to a fine for the first offence of a sum not exceeding five pounds or seven days imprisonment for any subsequent offence imprisonment without option of a fine.

Penalty.

Enclosing or
obliterating
apparatus in
connection with
water service
Penalty.

28. Any builder contractor or other person who shall cover up or so enclose any lock fire-plug hydrant or other apparatus in connection with any water service so that its situation may be obliterated or it may be difficult or dangerous to gain access to such lock fire-plug hydrant or other apparatus by reason of such obliteration or enclosure shall on conviction forfeit a sum not less than five pounds and not exceeding fifty pounds.

Duty of
turncock.

29. Every turncock or inspector employed on any water service shall forthwith on any fire occurring with the district allotted to him proceed with all possible speed to the place where the fire is and assist by all means in his power the supply and service of water through the fire-plugs hydrants or other apparatus to the Fire Brigade.

Superintendent
to enter and
examine all
buildings in
course of
erection.

30. It shall be lawful for the Superintendent at all times to enter upon and examine all buildings in course of erection or of being repaired and also all theatres and buildings for purposes of public entertainment or meeting or for any purposes by which the residents of any city town or place may be brought together and also all manufactories mills and warehouses or other buildings in order to ascertain whether all reasonable precautions are being taken to guard against fire and every person who shall obstruct or hinder the Superintendent in inspecting any such theatre manufactory mill warehouse or other buildings shall be guilty of an offence against this Act and on conviction shall forfeit and pay a sum not less than ten pounds nor more than fifty pounds And if in the opinion of such Superintendent such reasonable precautions as aforesaid shall not have been or are not being taken he shall forthwith report the same in writing to the Board and shall in such report state what in his opinion is reasonably necessary to be done in order more effectually to guard against injury to the said theatre manufactory mill warehouse or other building by fire or to loss of life or property thereby and shall also forthwith cause a copy of the said report to be delivered or posted to the owner (if known) of the said theatre manufactory mill warehouse or other building and upon receipt of such notice it shall be lawful for the Board to require in writing such owner within a time to be named by the Board to adopt such measures for the preventing damage by fire or to loss of life or property thereby to such theatre manufactory mill warehouse or other building as in such writing shall be stated and any such owner who shall fail to comply with such requirements of the Board shall forfeit and pay a penalty not exceeding fifty pounds.

Penalty.

Attendance at
fires of Volunteer
Company by
order of Super-
intendent.

31. The Superintendent shall have power by writing or verbally or by any means which he may deem most advisable to order any subsidised Volunteer Fire Company or any member or members thereof to attend or abstain from attending any fire and should any such Company or member or members thereof not attend with all reasonable speed or shall not abstain from attending as the case may be at any fire in obedience to such order it shall be lawful for the Board to deduct from any subsidy payable to such Company such sums as may be deemed by the Board to be adequate to the offence.

Superinten-
dent's power to
order removal of
persons interfer-
ing with Brigade
at fires.

32. The Superintendent shall have power to remove or order any fireman or police constable to remove any person who by his or her presence at or near a fire shall interfere with the operations of the Brigade or of any Volunteer Fire Company and if any person shall not remove when ordered by the Superintendent or any fireman or police constable as aforesaid or if any fireman or other person shall disobey the order of the Superintendent while attending at any fire or if any person shall wilfully destroy or damage any apparatus engine hose water-main plug standpipe or hydrant in use at a fire or shall continue after being requested by the Superintendent to desist to use any such apparatus engine hose water-main plug standpipe or hydrant such offender shall be given in charge of the police and shall be liable to a penalty not exceeding five pounds nor less than one pound for each and every offence under this section.

Obstruction at
fires.

33. Every person who shall wilfully obstruct or interfere with the Superintendent or any member of the Metropolitan Fire Brigade or with any officer thereof when in discharge of their duties or who shall injure or destroy any building engine reel hose pipe ladders or other things belonging to the Board or shall remain in any building belonging to the Board after being ordered by the Superintendent to quit the same or shall retain possession of any property belonging to the Board after being ordered by the Superintendent to give it up shall be liable to a penalty on conviction of not less than two pounds or more than twenty pounds in addition to the estimated damage done.

Superintendent
to have control
of Fire Com-
panies.

34. The Superintendent shall have the control and direction of all Fire Companies and engines and the appurtenances thereof and shall also be authorized at all times to call out such Fire Companies to any fire which may occur or for the purpose of exercise and all Volunteer Fire Companies and persons aiding in the extinguishment of any fire shall be under the direction of the Superintendent or other officer then present in charge of the Metropolitan Fire Brigade.

Formation of
any new corps
for fire extinc-
tion.

35. It shall not be lawful for any persons to constitute themselves into a corps for the purpose of fire extinction outside of their own premises without the consent of the Board Should such corps fail to obtain registration according to the Board's regulations made in that behalf or should any corps or company previously registered fail to maintain its efficiency to the satisfaction of the Superintendent or to comply with the Board's regulations it shall *ipso facto* cease to have any legal standing so far as regards the principal Act or this amended Act.

Wearing regis-
tered uniform of
a Volunteer
Company by
persons not being
members.

36. Any person wearing the registered uniform of a fireman or any part thereof who does not belong to the Fire Company which has so registered the said uniform or who though originally a member of the Fire Company shall continue to wear it after the said Fire Company has ceased to exist as provided in the last preceding section shall be given in charge of the police and shall be liable to a penalty not exceeding (£5) five pounds.

37.

37. If any treasurer secretary officer or other person appointed by such of the members as may be present at any meeting of any Volunteer Fire Company shall be entrusted with or become possessed of any of the moneys books papers documents or property of the Company for or on behalf of the Company and shall not deliver and hand over the same within twenty-four hours after demand thereof made either verbally or in writing by such person or persons as may be the majority of the members present at any meeting of the said Company be appointed to receive the same such treasurer secretary officer or other person shall on conviction thereof forfeit and pay a penalty not exceeding ten pounds and shall in addition thereto suffer imprisonment until such demand shall have been complied with. Treasurer or other officer to forward books on demand. Penalty.
38. If the chimney of any building or premises within the jurisdiction of the Board shall take fire by reason of the owner or occupant of such building or premises having neglected to cause such chimney to be sufficiently swept or cleaned or from any other neglect of such owner or occupant shall be liable to a penalty of a sum not exceeding five pounds and not less than one pound. And in every case the proof that such chimney fire did not take place through the neglect of any such owner or occupant shall rest entirely with such owner or occupant. Chimney fire. Penalty.
39. In all cases where the owner of any premises whereof a chimney fire has occurred is absent the agent or persons acting for and on behalf of such owner shall be liable for payment of all fines imposed or inflicted upon any such owner. Any person who wilfully sets or causes to be set on fire any chimney shall be liable to a penalty not exceeding five pounds. Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted for felony. Chimney Fire. Liability of owner. Penalty.
40. The Town Clerk of the City of Sydney or Council Clerk of every Borough or Municipal District within the Metropolitan District shall not later than on the first day of October in each and every year cause to be delivered at the office of the Board a full complete and correct return which by the 17th sec. of the Fire Brigades Act 1884 is required to be furnished to the Board and any such Town Clerk or Council Clerk who shall fail to cause such return to be delivered as aforesaid shall on conviction thereof forfeit and pay a penalty not exceeding fifty pounds. Town or Council Clerk to forward returns. Penalty.
41. All penalties under this Amended Act are recoverable in the same manner as provided in the principal Act.
42. A Fire Insurance Company shall include any Company which carries on Fire or Marine business separately or conjointly or any individual Underwriter or body of Underwriters which insures against Fire Lightning or Explosion under Fire or Marine Policies or otherwise property of every description including every description of vessel used in navigation whether propelled by oars or otherwise or goods on board goods in transit or contained or deposited in any building or place within the Metropolitan District Companies or Underwriters carrying on Fire and Marine business conjointly shall furnish returns as required under sec. 15 specifying separately the amounts at risk under their Fire or Marine Business. Interpretation.

1887-8.

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(REPORT OF THE DENILIQVIN FIRE BRIGADES BOARD.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 7.

The Deniliquin Fire Brigades Board to The Principal Under Secretary.

Sir, Deniliquin Fire Brigades Board, Deniliquin, 30 April, 1888.
The Deniliquin Fire Brigades Board has the honor to report, under section 7 of the Fire Brigades Act of 1884, on the following matters, which have come under its jurisdiction during the year 1887-88, to the 31st March ultimo:—

1. That during the time specified six fires occurred, particulars of which are attached in the schedule marked A.

2. That the financial operations of the Board are as disclosed in the schedule (balance-sheet) marked B.

3. That much difficulty has been experienced with the Insurance Companies who are contributories under the Act, but who decline to pay the assessments fixed by this Board, as they allege that the Fire Brigades Act is inoperative in country districts, and assert that they will resist payment until the point has been decided by the Supreme Court.

4. That as a matter of fact only two Companies paid the assessment last year, amounting to £5 14s., as shown in the balance-sheet.

5. That an action was commenced against the local Municipal Council, in January last, for refusing to pay the assessment for the year 1887, and that a verdict was given by the Police Magistrate at Deniliquin in favour of the Board. An appeal was then lodged by the Municipal Council against the decision, but was subsequently abandoned, and the amount of the verdict paid without costs.

6. That another action has been commenced against an Insurance Company (the Commercial Union) for refusing to pay the assessment, and that it has been mutually arranged between the solicitors representing the Board, and the Company named, to have the question definitely settled by the Full Court without fighting a preliminary case in the Police Court. This trial will come before the Full Court during the month of May, and this Board has decided upon this course in deference to the opinion given by the Attorney-General, and furnished by you last year.

7. That the estimates have been passed for this year, and the assessment made, and a demand sent for the payment, but up to the present date none of the contributories have responded in the affirmative.

8. That the local Fire Brigade is efficiently manned, and is doing good service, more especially so when an outbreak of fire is within the reticulation limits of the Municipality. Particular attention, in illustration of this, is directed to the fire on 2nd October, 1887. It originated in a dense block of buildings in proximity to the Town Hall and to a large ironmongery and builders' warehouse. The fire was confined, through the exertions of the Brigade, to the little out-building in which it originated; but had a Fire Brigade and plenty of water not been available, the loss would have been at least £5,000—by far the larger portion of which was covered by insurance—and would have had to be paid by the very Companies who are resisting the payment of the assessments to this Board.

We have, &c.,
MURDOCH MACKENZIE, Chairman.
J. W. H. WYSE, Secretary.

SCHEDULE.

A.

Deniliquin, 24 April, 1888.

To the Deniliquin Fire Brigades Board,—
Gentlemen,

I beg to report the plant, consisting of engine, reels, ladders, stand, hose, and appliances in good working order. The Company are working up to the full number of 25 rank and file, and are quite efficient in practice and drill.

Fires and alarms from March 31, 1887, to March 31, 1888.

Property Destroyed.		Insured for.
		£
May 8, 1887—Wood and brick cottage (Galbraith's) ....	.....	100
Sept. 24, 1887—Brick cottage (G. Jackson's), uninsured .....	.....	200
Oct. 2, 1887—Bedroom furniture (Johnston's), damage .....	.....	20
Dec. 1, 1887—Haystack (A. Lee's), damage .....	.....	20
Dec. 20, 1887—Wooden cottage (B. Lister's) uninsured, damage .....	.....	20
Mar. 15, 1888—Furniture, &c. (Tyrer's), damage .....	.....	20

This latter was heavily insured, but fortunately the fire was extinguished before it had obtained a serious hold of the building.

Yours, &c.,
JOHN KYNASTON,
Acting Superintendent.

757—

B.

DENILIQVIN FIRE BRIGADES BOARD.
BALANCE SHEET for year ending March 31st, 1888.

	£	s.	d.	£	s.	d.		£	s.	d.
To Balance last audit				59	17	9	By Board fees	23	2	0
„ Stamps in hand last audit.....	1	2	8				„ Secretary	15	0	0
„ Insurance assessments	5	14	0				„ Superintendent	25	10	5
„ Government assessment.....	66	13	4				„ Miscellaneous expenses	13	15	4
„ Municipal assessment.....	66	13	4	140	3	4	„ Stamps in hand	0	5	6
							„ Balance in Bank	41	16	4
							„ Deniliquin Fire Brigade	80	11	6
				£	200	1		£	200	1

Audited and found correct,—
Deniliquin, 9/4/88.
JAMES SKINNER.

Received and adopted,—
M. MACKENZIE,
Chairman,
16/4/88.

[3d.]

1887-8.

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(DENILIQUIN FIRE BRIGADES BOARD—REGULATIONS.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 21.Colonial Secretary's Office,
Sydney, 20th July, 1888.

THE following Regulations, made by the Fire Brigades Board of the Municipal District of Deniliquin, under the "Fire Brigades Act, 1884," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPALITY OF DENILIQUIN.

FIRE BRIGADES BOARD.

WHEREAS by Proclamation in the Government Gazette of the 18th July, 1884, the "Fire Brigades Act of 1884" was extended to the Municipality of Deniliquin: And whereas in default of election by the representatives of the Insurance Companies, at a properly called meeting, to be held at the Town Hall, Deniliquin, on the 18th day of February, 1887, James Watson was duly appointed by His Excellency the Governor, under the 1st section of the Fire Brigades Act of 1884, to act as the representative of such bodies on the said Board, and he was so gazetted to that position by virtue of a notice in the Gazette, dated the 1st day of March, 1887: And whereas, on the 13th day of January, 1888, Murdoch Mackenzie was chosen Mayor of Deniliquin, in accordance with the Municipalities Act of 1867, became in virtue of his office, and of clause 20 of the Fire Brigades Act of 1884, a member of the Deniliquin Fire Brigades Board: And whereas, on the 2nd day of March, 1888, William Joseph Davies was, by virtue of a notice in the Government Gazette of that date, appointed a member of the Deniliquin Fire Brigades Board. The Board thus legally constituted have formed the following Regulations for the meeting and conduct of business by the Deniliquin Fire Brigades Board, as constituted under the Fire Brigades Act of 1884:—

1. The Board shall meet together for the despatch of business, adjourn, and otherwise regulate its meetings as it thinks fit; two to form a quorum.
2. The Board shall elect one of its members to be Chairman, who shall preside at all meetings of the Board.
3. The sum of one guinea shall be paid to each member of the Board in attendance at each ordinary meeting convened.
4. The Secretary shall send notice of each meeting to each member of the Board, in which shall be stated the business to be transacted at that meeting; such notice to be delivered not later than twenty-four hours previous to such meeting.
5. The Chairman or Secretary may call meetings as may be deemed necessary, provided notice be given as above.
6. Members of the Board shall not vote on any matter in which they shall be personally interested, and during the discussion of any such matters members so interested shall withdraw from the Board-room.
7. The Board may from time to time appoint a Secretary, and such other officers and servants as it may deem necessary, and shall determine their duties, salaries, and wages, and may at any

time, with or without notice, suspend or dismiss such Secretary officer, or servant. The Secretary and such other officers as the Board may deem expedient shall give security for the faithful discharge of their duties.

8. The Secretary or other officer acting in his stead shall attend all meetings of the Board, and shall enter the minutes of resolutions and proceedings in a minute-book to be kept for that purpose; he shall lay all correspondence before the Board; and he shall also discharge all such duties as the Board may from time to time direct.

9. A book shall be kept showing all receipts of money on account of the Board, and all disbursements made. The Bank passbook made up to date shall be laid before the Board at each meeting.

10. The Board shall open an account at such bank as they from time to time determine, and until otherwise ordered the account shall be kept at the Australian Joint Stock Bank, Deniliquin, in the name of the Deniliquin Fire Brigades Board. All moneys shall be banked on the day after the receipt of a total of £5, or, in the event of the bank being closed, on the next banking day.

11. The Secretary or other officer authorized by the Board shall give receipts for all moneys payable to the Board, drawn on printed forms, consecutively numbered with corresponding butts.

12. All payments of one pound or upwards shall be made by cheques upon the Bank, signed by the Chairman or two other members, and countersigned by the Secretary or other officer authorized by the Board.

13. An estimate of the amount required for the current year's expenditure shall be made by the Board at least once in every year, and such estimate shall be furnished to all the contributors under the Fire Brigades Act of 1884 when the demand is made for the first quarter's assessment of the then current year.

14. The accounts of the Board shall be made up in the month of March in each year, expiring on the 31st December preceding, and shall be examined and verified by at least one auditor, to whom shall be produced by the Secretary all vouchers, books, and documents necessary to verify the balance sheets.

15. Any member wishing to rescind, alter, or add to these Regulations must give to the Secretary seven days' notice in writing to that effect, such notice to contain copies in full of his proposals.

16. For regulating the proceedings of the Board in respect to inquests on fires:—On the day after any fire a report shall be made in writing by the Superintendent, of any fire which may come under the notice of the Brigade, in which report information, as far as can be ascertained, shall be given under the following heads:—

1. Hour and date of each alarm of fire.
2. By whom and how reported.
3. Name of occupier and owner of premises and purposes for which occupied.
4. Origin or supposed cause of fire.
5. Particulars as to insurance of premises and contents.
6. Construction of buildings.
7. General remarks, extent of damages, &c.

The form of the report to be determined by the Board from time to time. If necessary the Board shall, on receipt of notice of a fire, be convened to decide whether the Coroner shall be directed to hold an inquest thereon; and the Secretary shall convey to the Coroner the resolution directing such inquest to be held, if decided upon.

17. The Board shall appoint a Superintendent, who shall be the officer in charge of all Volunteer Fire Companies under the Board, and who shall have control, when on duty, practice, drill, or parade of such companies; and he shall be paid such salary as the Board may determine. During his absence the senior officer next under him shall fulfil all such duties, and have charge of all such companies. The Superintendent shall instruct the company in their practices, drills, and parades, and direct them when on active duty at fires.

18. All acts done at any meeting of the Board, or of a committee thereof, at which a quorum as provided by the Board is present, shall be deemed to be the act of the Board or the committee as the case may be, and notwithstanding it be afterwards discovered that there was some defect in the appointment of any such members or persons aforesaid, or that they or any of them were disqualified, shall be as valid as if every such person had been appointed and was duly qualified.

19. Subject to the approval of the Board, the Secretary shall furnish abstracts of the proceedings to the press, but in no case shall the presence of strangers be permitted unless with the unanimous consent of the members present, such consent to be obtained before admission to the Board-room.

20. The Secretary of each company shall, in the month of January every year, furnish the Board with the particulars of receipts and disbursements of such company for the preceding year ended 31st December, verified by the officer in charge of the company and countersigned by the Secretary of the company.

21. The Fire Brigades Board may at any time appoint an officer to audit the books of the Brigade, subject to a notice of at least seven clear days.

21. The Common Seal shall be in the joint custody of the Chairman and Secretary or other officer authorized by the Board, but shall not be affixed to any document except by order of the Board, as recorded in the minute-book, and shall be affixed at the time of such record, witnessed by not less than two members of the Board, and the Secretary, or other officer duly authorized by the Board.

Passed at a meeting of the Board held on the 6th day of March, 1888.

Members of the Deniliquin Fire Brigades Board. (L.S.)	}	MURDOCH MACKENZIE, Chairman.
		WILLIAM JOSEPH DAVIES, Government Representative.
		JAS. WATSON, Insurance Companies' Representative.

And the Board, as constituted as aforesaid, have agreed upon the following Rules and Regulations under which the Deniliquin Fire Brigades Board will register Volunteer Companies:—

1. None but physically strong men, free from defect in sight and limb, and without organic disease, shall be enrolled as a member of any Volunteer Fire Company registered under this Board; and before enrolment, if required by the Board, shall produce a certificate from some duly qualified medical man to that effect.

2. No person shall be enrolled under the age of eighteen years or over forty years, unless by special permission of the Board.

3. No person over the age of fifty years shall remain on the effective working staff of any company, unless by special resolution of the company, reported to and approved by the Board.

4. No person under 5 feet 3 inches in height, or less than 34 inches round the chest, shall be enrolled.

5. No person shall be enrolled should his occupation, in the opinion of the Board, unfit him for the duties of a fireman. No person who has been convicted of any felony or misdemeanour shall be allowed to remain or be enrolled in and company.

6. Any member of a company guilty of intoxication, disobedience of orders, insubordination, abusive or obscene language, smoking in uniform or at fires or on duty, wanton destruction of property, interference with fire plugs and other appliances, or other unseemly conduct, or shall be guilty of any other breach of these rules or the company's regulations, shall be at once suspended from duty, and shall be liable to a penalty not exceeding £5, or dismissal.

7. Members of brigades shall at no time attend Fire Brigades Demonstrations outside a radius of five miles from Deniliquin Post Office, without leaving a sufficient number of effective members within the municipality. No apparatus shall be taken to a demonstration without the written consent of the Board.

8. The person first giving the alarm of a fire and leaving his name with the Superintendent, shall be paid as a reward the sum of ten shillings.

9. The Board shall pay all firemen enrolled, on a certificate of the Captain, the sum of 2s. 6d. for each attendance at drill, practice, or parade, two to be held in each month, and 5s. if engaged two hours in the extinction of a fire; if under two hours the payment be made at the discretion of the Board; and if over two hours the Board may vote such sums as may be deemed commensurate with the value of the work done.

10. The company shall have its own printed rules of internal and general working, which must, in all cases, be subject to the approval of the Fire Brigades Board. All proposed alterations and additions must be submitted to the Board for approval or otherwise. All fines and punishments fixed by such rules shall be strictly enforced, under penalty of deducting from the subsidy voted, such sums as it may appear that the company has failed to recover; the fines to be for the use and benefit of the company enforcing them.

11. The number of effective working members shall not be less than fifteen nor more than twenty. If at any time the number shall fall below the minimum, the registration of the company may be suspended and the subsidy cease.

12. Appointments to the usual offices in the company shall be made by the company in meeting assembled, subject, however, to confirmation by the Board, and the officers shall have such titles as the Board may permit.

13. On all occasions of fire, in the absence of the Superintendent, the members of the brigades shall abide by the instructions given by the senior officer of the company present, and members of the brigade shall not take orders from owners of property, bystanders, or other persons not in authority.

14. The Board shall supply all firemen with such uniforms as they (the Board) may decide; and all such uniforms shall remain in the custody of the firemen as long as they continue to be enrolled, and shall be delivered up to the Superintendent upon the fireman ceasing to be a member of the company.

15. No member shall be permitted to lend his uniform to any person not a member of the company, and members when on duty must wear a badge, mark of distinction, or number, in order that they may be recognized. All such badges, marks, or numbers must be approved by the Fire Brigades Board.

16. Members of company shall not be permitted to take any intoxicating liquor while on duty, without the permission of the officer in command, at a fire or practice.

17. The bells or other signalling apparatus shall only be used for giving or receiving alarms, and for sending messages on service.

18. The Superintendent shall, once in every month, report on the efficiency of the company, such report to be in writing made under his hand.

19. Any member of a company not attending paid practices shall, unless he furnish satisfactory excuse for his absence, be fined in such sums as the company's rules may permit, such fines to be for the use and benefit of the company inflicting them.

20. The Secretary of the Board shall be the person appointed to lay all informations necessary under all regulations made by the Board in the terms of the Fire Brigades Act of 1884.

Passed at a meeting of the Board held on the 6th day of March, 1888.

Members of the Deniliquin Fire Brigades Board. (L.S.)	}	MURDOCH MACKENZIE, Chairman.
		WILLIAM JOSEPH DAVIES, Government Representative.
		JAS. WATSON, Representative of Fire Insurance Companies.

1887-8.

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(REPORT OF THE GOULBURN FIRE BRIGADE BOARD FOR 1887.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 7.

The Goulburn Fire Brigade Board to The Colonial Secretary.

REPORT of the Goulburn Fire Brigade Board for the year ending 31st December, 1887.

Sir,

In presenting their third annual report the undersigned are glad to be in a position to inform you that the affairs of the above Board are in a highly satisfactory condition.

The Brigade numbered at the close of the year twenty-nine members, who are, according to the Superintendent's report, thoroughly efficient and well up to their work.

Seven fires have occurred within the Municipality during the year, four being of a trivial nature—the other three were as follows, viz.:—

Locality.	Estimated damage.
	£
P. M'Shane's hay and corn store	100
Turner Bros.' do do	500
Lansdown Bros.' timber and joinery sheds	2,000

In the last three cases inquests as to the origin of the fire were held, but without the jury being able to assign any cause.

The Board have held sixteen meetings during the year, the attendance being as follows:—Mr. Tait, 15; Mr. Betts, 14; and Mr. Riley, 14.

FRANCIS TAIT,
Chairman.
A. M. BETTS.
W. R. RILEY.

Enclosed is statement of Receipts and Payments for the year 1887.

THE GOULBURN FIRE BRIGADE BOARD.

STATEMENT of Receipts and Payments for the twelve months ending 31st December, 1887.

Receipts.				Payments.			
		£ s. d.	£ s. d.			£ s. d.	£ s. d.
1887.				1887.			
Jan. 1....	To cash in hand	21 6 2		Dec. 31..	By Brigade subsidy	218 15 0	
	Balance at Bank	11 14 11			Superintendent's salary	62 10 0	
			33 1 1				281 5 0
Dec. 31 ..	Goulburn Municipal Council	191 18 4			Material		98 4 1
	Colonial Treasurer	146 19 1			Sundries		9 18 0
	Fire Insurance Companies	208 9 3			Board fees	59 17 0	
			547 6 8		Secretary	27 1 0	
	Colonial Treasurer		353 10 10		Stationery, printing, adver- tising, &c.	10 2 0	
	Interest on fixed deposit		21 0 0		Rent of Board Room	3 0 0	
							100 0 0
					Auditor's fees		4 4 0
					Placed at fixed deposit		400 0 0
					Balance carried forward		61 7 6
			£954 18 7				£954 18 7
1888.							
Jan. 1....	To balance brought forward....		61 7 6				

FRANCIS TAIT,
Chairman.

Examined and compared with the books and vouchers and found correct.

24th January, 1888.

C. E. MACKENZIE,
Auditor.

1887.

(THIRD SESSION.)

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(TAMWORTH FIRE BRIGADES BOARD—REGULATIONS.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 21.Colonial Secretary's Office,
Sydney, 28th July, 1887.

THE following Regulations made by the Fire Brigades Board, for the Borough of Tamworth, under the "Fire Brigades Act 1884," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF TAMWORTH.

FIRE BRIGADES BOARD.

WHEREAS by Proclamation in the Government Gazette of the 24th of June, 1885, the "Fire Brigades Act 1884" was extended by the Governor to the Borough of Tamworth; and whereas by letter of appointment bearing date the 14th January, 1887, Seymour Charles Stewart was made a member of the Fire Brigades Board; and whereas at a meeting of the Insurance Companies, held in the Council Chambers, at Tamworth, on the 17th August, 1886, Charles Henry Veness was elected a member of the Fire Brigades Board; and whereas William Frederick Tribe, who was on 8th February, 1887, chosen Mayor of Tamworth, in accordance with the "Municipalities Act of 1867," became by virtue of his office, and of clause 20 of the "Fire Brigades Act 1884," a member of the Fire Brigades Board.

The Board thus legally constituted have framed the following Regulations for meeting and conduct of business by the Tamworth Fire Brigades Board, as constituted under the "Fire Brigades Act, 1884":—

1. The Board may meet together for the despatch of business, adjourn, and otherwise regulate its meetings as it thinks fit. Two members shall form a quorum.

2. The sum of ten shillings and sixpence shall be paid to each member who attends at the time and place for holding any duly convened meeting, whether there be a quorum present or not. Should a quorum not be present a quarter of an hour after the time appointed, the meeting shall lapse; and the Secretary shall be empowered to call another meeting in his discretion.

3. The Secretary shall send notice of each meeting to each member of the Board, in which shall be stated the business to be transacted at that meeting; such notice to be delivered not later than a day previous to such meeting.

4. The Chairman or Secretary may call meetings as may be deemed necessary, provided notice be given as above.

5. Members of the Board shall not vote on any matter in which they may be personally interested in any way whatever; and during the discussion of any such matter members so interested shall withdraw from the Board room.

6. The Board may from time to time appoint a Secretary and such other officers and servants as it may deem necessary, and shall determine their duties, salaries, and wages; and may at any time with or without notice suspend or dismiss any such Secretary, officer, or servant. The Secretary and such other officer as the Board may deem expedient shall give security for the faithful discharge of their duties.

7. The Secretary or other officer acting in his stead shall attend all meetings of the Board, and shall enter the minutes of resolutions and proceedings in a minute-book to be kept for that purpose. He shall lay all correspondence before the Board. He shall also discharge all such duties as the Board may from time to time direct.

8. A book shall be kept showing all the receipts of money on account of the Board and all disbursements made. A balance shall be made up quarterly, or oftener if required, and shall be verified if deemed expedient in such way as the Board may think fit. The Bank pass-book made up to date, shall be laid before the Board at each meeting.

9. The Board shall open an account at such Bank as they may from time to time determine. All moneys shall be banked on the day after the receipt of the same, or in the event of the Bank being closed, on the next banking day.

10. The Secretary or other officer authorized by the Board shall give receipts for all moneys payable to the Board, drawn on printed and consecutively numbered forms, with corresponding butts.

11. All payments of one pound or upwards shall be made by cheques upon the Bank, signed by the Chairman or by two other members, and countersigned by the Secretary or other officer authorized by the Board.

12. The accounts of the Board shall be made up in the months of April and October in each year for the half-year expiring the 31st of March, and the 30th of September respectively, and shall be examined and verified by at least one auditor, to whom shall be produced by the Secretary all vouchers, books and documents, necessary to verify the balance sheets.

13. Any member wishing to rescind, alter, or add to these regulations must give to the Secretary seven days' notice in writing to that effect, such notice to contain copies in full of his proposals.

14. For regulating the proceedings of the Board in respect of inquests on fires, on the day after any fire a report in writing shall be made to the Board by the Captain of any fire which may come under the notice of the Brigade,—in which report information, so far as can be ascertained, shall be given under the following heads :—

- Hour and date of each alarm of fire.
- By whom, and how reported.
- Name of occupier and owner of premises, and purpose for which occupied.
- Origin, or supposed cause of fire.
- Particulars as to insurance of premises and contents.
- Construction of buildings.
- General remarks, extent of damage, &c.

The form of report to be determined by the Board from time to time.

Passed at a meeting of the Board, held on the 5th day of May, 1887.

WM. FRED. TRIBE, Chairman.
SEYMOUR C. STEWART.
C. H. VENESS.

Members of the Tamworth Fire Brigades Board.

AND the said Board, so constituted as aforesaid, have agreed upon Rules and Regulations under which the Tamworth Fire Brigades Board will register and subsidize Volunteer Fire Companies :—

1. None but physically strong men, free from defect in sight and limb, without organic disease, shall be registered on the effective staff of any Company. In case of members joining after the first registration a medical certificate will be required.
2. No person shall be admitted as an effective member under the age of 18 years, unless under special circumstances as to physique or qualifications.
3. No person shall be enrolled over the age of 40 years, unless he has been previously engaged as an active fireman, in which case the limit may be extended to 45 years.
4. No person over the age of 50 years shall remain on the effective working staff of any Company, unless by special resolution of the Company, reported to and approved by the Board.
5. No person under 5 feet 3 inches in height or less than 32 inches round the chest shall be enrolled, unless under special circumstances.
6. No person shall be elected or appointed as an officer unless he is practically acquainted with the duties of a fireman.
7. No person who has been convicted of any felony shall be allowed to remain or be enrolled in any Company.
8. In order to prevent claims on the funds of the Board or of the Company, all members shall assure their lives, and shall also assure against accidents, or shall belong to a benefit society, in which they shall at no time allow themselves to become unfinancial.
9. Any Company, in order to be registered and subsidized, must send an application to that effect to the Board, together with a list of its members, giving their names in full, with age, occupation, residence, height, measurement round the chest, state of health, and physical defects if any. On the Board being satisfied with such roll, the Company will be deemed to be established, and will be registered and subsidized accordingly.
10. Attached to such roll shall be an undertaking, signed by each member, stating his willingness to abide by the rules of the Company and by the regulations of the Board. A similar return shall be furnished in January in every year, but the signatures of those who have already signed need not be again attached, unless required by the Board.
11. The number of effective working members of a Company shall be not less than fifteen nor more than fifty. If, at any time, the number shall fall below the minimum the registration of the Company shall be suspended and the subsidy cease.
12. Appointments to the usual offices in the Company shall be made by the members of the Company in meeting assembled, subject to the approval of the Board. Any member feeling aggrieved at any action shall have power to appeal to the Board.

13. The Secretary of the Company shall, by the 14th of January in every year, furnish the Board with the receipts and disbursements of such Company for the preceding year ended 31st of December, verified by the Secretary and Treasurer of the Company.

14. Each Company shall have its own printed rules of internal and general working, which must, in all cases, be subject to the approval of the Fire Brigades Board. All proposed alterations and additions must be submitted to the Board for approval or otherwise. All fines and punishments fixed for such rules shall be strictly enforced, under penalty of deducting from the subsidy voted such sums as it may appear that the Company has failed to recover.

15. The Fire Brigades Board may at any time appoint an officer to audit the books of any Company, subject to a notice of three clear days.

16. Members of Companies shall at no time attend Fire Brigade demonstrations outside a radius of five miles from the Tamworth Post Office without leaving a sufficient number of effective members within the Municipality. No apparatus shall be taken to a demonstration without the permission of the Board.

17. On all occasions of fire, in the absence of the Captain, members of Companies shall abide by instructions given by the senior officer present. Members of Companies shall not take orders from owners of property, bystanders, or other persons not in authority.

18. No member shall be permitted to lend his uniform to any person not a member of the Company. Members when on duty must wear a badge, mark of distinction, or number, in order that they may be recognized. All such badges or numbers must be approved by the Fire Brigades Board.

19. The bells, or other signalling apparatus, shall only be used for giving and receiving alarms, and for sending messages on service.

20. The members of Companies shall meet at least twice in every month for practice, &c. The Companies may appoint their own days for practice.

21. The Captain shall, once in every three months, report on the efficiency of the Company, such report to be in writing under his hand; and if the Board considers such report satisfactory, they shall subsidize the Company in such amounts as may be deemed advisable, having regard to the numbers and state of efficiency of the Company, and to the amount of money at the disposal of the Board.

22. All subsidies shall be payable quarterly, and shall in the discretion of the Board be subject to stoppage, reduction, or absolute forfeiture, in the event of the Company becoming in the opinion of the Board inefficient.

23. The subsidy will be paid into the Bank to the credit of the Treasurer of the Company, and is to be devoted to the purchase of materials, uniforms, payment for practices, and for attendance at fires.

24. Any member of a Company not attending paid practice shall, unless he furnish a satisfactory excuse for his absence, be fined in such sum as the Company's rules may determine.

25. Members of Companies shall not be allowed to take any intoxicating liquors while on duty without the permission of the officer in command at a fire or practice.

26. Any member of a Company guilty of intoxication, disobedience of orders, insubordination, abusive or obscene language while in uniform, at fires or on duty, wanton destruction of property, interference with fire-plugs, and other appliances, or other unseemly conduct, or shall be guilty of any other breach of these Rules, or the Company's Regulations, shall be at once suspended from duty, and shall be liable to a penalty not exceeding five pounds.

27. The Fire Brigades Board may deduct from any subsidy, by way of fine, any sum not exceeding five pounds for each offence under these regulations, or recover the same in lieu thereof in terms of the Fire Brigades Act. The Captain of Company, or the Secretary of the Fire Brigades Board, shall be the officer or person to lay informations under these regulations.

Passed at a meeting of the Board, held on the 5th day of May, 1887.

WM. FRED. TRIBE, Chairman,
SEYMOUR C. STEWART,
C. H. VENESS,

Members of the Tamworth Fire Brigades Board.

1887-8.

NEW SOUTH WALES.

FIRE BRIGADES ACT, 1884.

(TAMWORTH FIRE BRIGADES BOARD--ADDITIONAL REGULATIONS.)

Presented to Parliament, pursuant to Act 47 Vic. No. 3, sec. 21.

Colonial Secretary's Office,
Sydney, 6th July, 1888.

THE following Regulations, made by the Fire Brigades Board for the Borough of Tamworth, under the "Fire Brigades Act, 1884," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

TAMWORTH FIRE BRIGADES BOARD.

ADDITIONAL REGULATIONS.

REGULATIONS for establishing and maintaining an efficient Fire Company in the Borough of Tamworth.

1. The Board shall, as they deem necessary, purchase or lease any land, houses, or other buildings for the purpose of providing engine-houses, brigade offices, or alarm stations, and may purchase or hire any engine, machinery, or other appliances, for the purpose of extinguishing fires or saving life or property, and may place such appliances at the disposal of any Volunteer Fire Company that may be from time established and registered under the Board; and the Board may by resolution permit any part of these appliances to be used for any purpose, providing the expenses and charges are paid by the party or parties using the same, and that the said party shall have entered into a guarantee with the Board against all loss or damage to such appliances.

2. The Board shall appoint a Captain, foreman, and engine-keeper, who shall be paid such salaries as the Board may determine; the Board may also enrol such number of firemen as it may from time to time deem necessary. The Captain shall be the officer in charge of all Fire Companies under the Board, and shall have control of such Companies when on duty or parade. During his absence the officer next in seniority available shall fulfil all such duties and have charge of such Companies. The Captain shall instruct the Company in their practices, drills, and parades, and direct them when on active duty at fires.

3. The Captain shall have possession of, and be responsible for, all engines, machinery, or other appliances for the purpose of extinguishing fires, saving life or property, belonging to the Board.

4. The Captain shall keep a roll of all members, with a record of their attendance at drills, practices, parades, and fires; he shall report all breaches of rules or disobedience of orders, and pending inquiry shall suspend any member, and report such suspension to the Board, who shall inquire into the cause of complaint, and if sustained such member shall at once be dismissed from the Company and his name removed from the roll, or he shall pay such fine as the Board may impose,

and failing so to pay, may be sued for same before any two Justices of the Peace. In no case shall a fine be imposed exceeding £5, in addition to any damage done to any plant, uniform, or other property of the Board.

5. None but physically strong men, free from defect in sight and limb, without organic disease, shall be registered on the staff of the Company, and in all cases a medical certificate will be required.

6. No person under the age of 18 years shall be enrolled unless under special circumstances as to physique or qualifications.

7. No person over the age of 40 years shall be enrolled unless he has been previously engaged as an active fireman, in which case the limit may be extended to 45 years.

8. No person over the age of 50 years shall remain in the Company, unless by special recommendation of the Captain, reported to and approved by the Board.

9. No person under 5 feet 3 inches in height or less than 32 inches round the chest shall be enrolled.

10. In order to prevent claims on the funds of the Board, all members shall assure against accidents, or shall belong to a benefit society, in which they shall at no time allow themselves to become unfinancial.

11. After the formation of the Company no person shall be appointed as an officer unless he is practically acquainted with the duties of a fireman.

12. No person who has been convicted of any felony shall be enrolled in the Company.

13. The Board shall pay all firemen enrolled, on the certificate of the Captain, the sum of two shillings and sixpence for each attendance at drill, practice, or parade, and ten shillings when on duty at fires, if not detained more than four hours, after that time at the rate of two shillings per hour.

14. Any member of the Company will be liable to dismissal for intoxication, insubordination, disobedience, neglect, or omission of duty, incompetency, disrespect to any person in authority, or to the Board, or any member or officer thereof, for insolent or immoral behaviour, or any crime, misdemeanour, or other conduct punishable by law, in addition to such penalty as may be fixed by the Fire Brigades Board.

15. No member of the Company shall, upon any occasion or under any pretence whatever, accept any money, gift, or address from any person for services rendered at a fire, without permission from the Fire Brigades Board.

16. At fires no member will be allowed to enter any hotel for refreshments without the permission of the Captain or such officer who may be in charge. All refreshments, if possible, will be supplied in the vicinity of the fire, and not in an hotel. At no time at fires will any member be permitted to supply or use his authority towards supplying any persons, civilians or otherwise, with refreshments of any description without the orders of the Captain or such officer as may be in charge. Anyone violating this rule will be immediately suspended.

17. Any member heard to speak slanderously, disparagingly, contemptuously, or insubordinately of any officer, or in any manner uttering words calculated to cause a breach of the rules or disorder in the Company, shall be suspended.

18. Any member guilty of any tampering with the books, or wilful damage to, or destruction of, the buildings, goods, effects, chattels, clothing, apparatus, or plant belonging to the Fire Brigades Board, or in its charge, will be liable to immediate suspension.

19. The Captain shall receive all fines imposed, and pay the same to the Secretary, giving all necessary particulars required by the Board.

20. The Board may supply each fireman with such uniform as they may decide, and such uniform shall remain in the custody of the fireman as long as he continues to be enrolled, and shall be delivered up to the Captain upon his ceasing to be a member of the Company.

21. The members of the Company shall meet at least twice in every month for practice, &c., upon such days and at such time as the Captain may appoint.

22. The Captain shall, once in every three months, report to the Board on the efficiency of the Company, such report to be in writing under his hand.

The foregoing additional Regulations were passed at a meeting of the Fire Brigades Board, Tamworth, held 15th March, 1888.

JAMES PIPER, Chairman.

SEYMOUR C. STEWART,

C. J. VENESS,

Members of the Tamworth Fire Brigades Board.

1887.
(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE OFFICE OF ATTORNEY-GENERAL.

(NAMES OF GENTLEMEN WHO HAVE HELD, AND PATENT FEES RECEIVED BY EACH SINCE COMMENCEMENT OF RESPONSIBLE GOVERNMENT.)

Ordered by the Legislative Assembly to be printed, 15 November, 1887.

Name of Attorney-General.	Ministry.	Duration of Office.		Amount of Fees.		
		From	To	£	s.	d.
William M. Manning	Donaldson	3 Oct., 1856	25 May, 1857			
James Martin	Cowper	26 Aug.,	2 Oct.,			
William M. Manning	Parker	6 June	25 Aug., 1856			
succeeded by						
J. B. Darvall		26 May	7 Sept., 1857			
James Martin	Cowper	7 Sept., 1857	8 Nov., 1858			
succeeded by						
A. J. P. Lutwyche		15 Nov., 1858	28 Feb., 1859			
succeeded by						
L. H. Bayley		1 Mar.	26 Oct., 1859			
Edward Wise	Forster	27 Oct., 1859	13 Feb., 1860			
succeeded by						
Sir William M. Manning		21 Feb.	8 Mar., 1860			
J. F. Hargrave	Robertson	2 April, 1860	(merged into the Cowper Ministry).			
J. F. Hargrave	Cowper	2 April, 1863	31 July, 1863			
succeeded by						
J. B. Darvall		1 Aug.	15 Oct., 1863			
James Martin	Martin	16 Oct., 1863	2 Feb., 1865			
J. B. Darvall	Cowper	3 Feb.	20 June, 1865			
succeeded by						
J. H. Plunkett	do	25 Aug., 1865	21 Jan., 1866			
James Martin	Martin	22 Jan., 1866	26 Oct., 1868			
Sir W. M. Manning	Robertson	31 Oct., 1868	(See Cowper Ministry).			
Sir W. M. Manning	Cowper	31 Oct., 1868	15 Dec., 1870			
Sir James Martin	Martin	16 Dec., 1870	13 May, 1872	35	0	0
E. Butler	Parkes	15 May, 1872	10 Nov., 1875			
succeeded by						
J. G. L. Innes	do	20 Nov., 1873	8 Feb., 1875	265	0	0
W. B. Dalley	Robertson	9 Feb., 1875	21 Mar., 1877	470	0	0
W. C. Windeyer	Parkes	22 Mar., 1877	16 Aug., 1877	115	0	0
W. B. Dalley	Robertson	17 Aug., 1877	17 Dec., 1877	115	0	0
W. J. Foster	Farnell	18 Dec., 1877	20 Dec., 1878	250	0	0
W. C. Windeyer	Parkes	21 Dec., 1878	10 Aug., 1879	155	0	0
succeeded by						
R. Wisdom		13 Aug., 1879	4 Jan., 1883	1,790	0	0
W. B. Dalley	Stuart	5 Jan., 1883	6 Oct., 1885	2,155	0	0
J. H. Want...	Dibbs	7 Oct., 1885	21 Dec., 1885	115	0	0
G. B. Simpson	Robertson	22 Dec., 1885	25 Feb., 1886	115	0	0
J. H. Want...	Jennings	26 Feb., 1886	19 Jan., 1887	1,015	0	0
W. J. Foster	Parkes	20 Jan.	19 May, 1887	365	0	0
succeeded by						
B. R. Wise	do	27 May, 1887		5	0	0

NOTE.—Prior to 1872 the information required by Question 4 cannot be traced in any of the Departments.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE—TRAVELLING EXPENSES
CLAIMED BY JUDGE DOCKER.

(CORRESPONDENCE AND MINUTES RESPECTING.)

Ordered by the Legislative Assembly to be printed, 15 May, 1888.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 22 February, 1888,—That His Excellency will be pleased to cause to be laid upon the Table of this House,—

“Copies of all correspondence and minutes which have passed between the Department of Justice and Judge Docker, as to the claim of the latter for his travelling and other expenses incurred by him whilst acting as Judge of the Quarter Sessions, Darlinghurst.”

(Mr. J. P. Abbott.)

SCHEDULE.

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No. 1.

The Acting Under Secretary of Justice to Mr. District Court Judge Docker.

Sir,

Department of Justice, Sydney, 30 January, 1888.

Referring to voucher submitted by you for £7 for actual expenses incurred by you in travelling from Granville to Darlinghurst while presiding as District Court Judge and Chairman of Quarter Sessions from 8th to 22nd December last, I am directed to inform you that as it has not been the practice of the Department heretofore to authorize the payment of claims of this nature the Minister of Justice regrets that he cannot approve of your voucher being passed for payment in this instance.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 2.

786—A

[805 copies—Approximate Cost of Printing (labour and material), £3 16s. 3d.]

No. 2.

Mr. District Court Judge Docker to The Acting Under Secretary of Justice.

Sir,

Bathurst, 1 February, 1888.

I beg to acknowledge the receipt of your letter of the 30th ultimo, informing me that the Minister of Justice declines to pass my voucher for actual expenses incurred in attending the Darlinghurst Sessions in December last.

I have to express my surprise that you should have been directed to make such an erroneous statement as that which asserts that it has not been the practice of the Department heretofore to sanction claims of this nature.

Your predecessor in office informed me that it always was the practice of the Department to sanction such claims, before I undertook to perform the work out of which they arise; the directions on the back of the voucher forms sanction them; and as a matter of fact, which you can verify by investigation, my claim on each previous occasion has been allowed and my voucher paid.

I have further to express my surprise that the Minister should not only expect me to perform gratuitous work for the Government beyond the duties imposed upon me by my appointment, but should even expect me to do it at my own expense; and I beg to inform you that I cannot afford to do so.

The voucher for £7 represents money actually paid by me out of pocket for daily transit to and from Darlinghurst and for necessary meals at the Court.

As a matter of fact it does not represent the whole of the expense incurred by me, which was about £7 10s., but I took off the odd shillings.

As the amount is under £10 I do not intend to sue for it, but unless it is paid I shall not in future perform any duties but those imposed upon me as District Court Judge of the Western District; and if the Minister adheres to his determination not to pass my voucher, you will be good enough to make other arrangements for the Darlinghurst Sessions, beginning on the 24th of September next.

I have, &c.,

ERNEST B. DOCKER,

D.C.J., Western District.

No. 3.

The Acting Under Secretary of Justice to Mr. District Court Judge Docker.

Sir,

Department of Justice, Sydney, 6 February, 1888.

In reply to your letter of the 1st instant, with regard to the decision of the Minister of Justice in declining to pass the voucher submitted by you for £7, expenses incurred by you when presiding at Darlinghurst Quarter Sessions in December last, I have the honor, by the direction of the Minister of Justice, to inform you that he regrets he can see no reason to alter the decision already conveyed to you, and to ask you to be good enough to say if it is still your intention not to preside at Darlinghurst Quarter Sessions in September next, as arranged.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 4.

Mr. District Court Judge Docker to The Acting Under Secretary of Justice.

Sir,

Granville, 10 February, 1888.

I beg to acknowledge the receipt of your letter of the 6th instant (88/1,195), in which you inform me that the Minister of Justice can see no reason to alter his decision with regard to my travelling expenses incurred in attending the Darlinghurst Sessions.

I can certainly offer no stronger reasons for such alteration than those enumerated in my letter of the 1st instant, in reply to yours of the 30th ultimo (87/13,271), in which you allege as the reason of the Minister's decision that "it has not been the practice of the Department heretofore to authorize the payment of claims of this nature." In my reply I pointed out that this statement was erroneous in point of fact, and further, that it was in violation of an arrangement entered into by your predecessor in office.

As the Minister, notwithstanding, can see no reason to alter his determination, I can come to no other conclusion than that the reason alleged is not the real ground of his decision. Of course, unless the real reason is stated, I cannot categorically answer it, as I believe I could quite as conclusively as I have the ostensible one. That there may be no misunderstanding as to this matter in future, I desire to state that when, in 1884 or 1885, I was first requested to temporarily preside at Darlinghurst Court, which was done in courteous terms in a letter from the then Minister for Justice, stating that such voluntary service would relieve the Government of a difficulty, pending the carrying out of other arrangements contemplated, I had an interview with Mr. Plunkett, then Under Secretary, in which I pointed out that as I did not reside in Sydney I should be put to some expense in attending the Court. He informed me that as a matter of course my actual expenses would be paid. I accordingly acceded to the request of the Minister. Of course, as the arrangement was a verbal one, there would be no record of it in your office; but that Mr. Plunkett had authority to make it, and that it was a continuing one, is amply proved by the fact recorded that ever since my vouchers for such expenses have been paid without question.

If the Minister wished to discontinue that arrangement, it would have been only fair to give me notice before calling upon me to undertake further engagements.

I desire also to repeat that the Metropolitan Judges are paid their expenses for the converse journey to Parramatta when they are performing work which is not gratuitous, but part of their duty as such Judges, and therefore paid for. And I believe it to be a fact that the Stipendiary Magistrates are allowed their expenses when they visit their suburban Courts, such as Balmain and Newtown.

I cannot conceive how there can be a doubt as to the legality or fairness of my claim; and if the Minister thinks fit to refer the question in issue to the Honorable the Attorney-General, I shall be quite content to abide by his decision.

In

In reply to your question whether it is still my intention not to preside at the Darlinghurst Sessions in September next, I have to state that as the Minister has repudiated the implied condition on which I consented to perform such service, and that after the service has been actually performed by me, and expenses incurred, I consider myself both legally and morally absolved from any further continuance of the service. However, I have no wish to cause any inconvenience by upsetting arrangements already made, or to be thought desirous of repudiating any engagement I have made, and accordingly I will, as arranged, preside at the Darlinghurst Sessions in September next, on the clear understanding that I am reimbursed my necessary expenses incurred in attending that Court.

I have, &c.,
ERNEST B. DOCKER, D.C.J.

No. 5.

The Acting Under Secretary of Justice to Mr. District Court Judge Docker.

Sir,

Department of Justice, Sydney, 27 February, 1888.

I have the honor to acknowledge receipt of your letter of the 10th instant, and am directed by the Minister of Justice to state in reply that Sydney is regarded as the head-quarters of Judges and Crown Prosecutors, from which their travelling expenses are computed, and consequently the illustration given by you of a Judge travelling from Sydney to Parramatta to attend a Court within his district does not appear to be applicable. Were the principle insisted upon by you recognized, a Judge who had to visit Goulburn, for instance, might take up his residence at Bourke, and be entitled to charge travelling expenses from that place.

When, in the first instance, the Minister decided not to allow you travelling expenses to and from Granville, and also your charges for meals at Darlinghurst Court, he was not aware that you had previously received a like allowance.

You have imputed to the Minister that the reason which was alleged for his refusal to sanction the expenditure was not the real ground of his decision. This imputation, the Minister directs me to say, is both incorrect and unjustifiable.

As, however, it now appears that the payment of the expenses claimed by you was a condition precedent to your agreeing to sit at Darlinghurst Quarter Sessions, as arranged with the late Under Secretary, the Minister has approved of the payment of the account in question, but I am directed to inform you that similar demands will not again be entertained by him.

Should you in future decline to preside at Darlinghurst Quarter Sessions when requested to do so (the performance of the ordinary work of your circuit not being necessarily interfered with), the Governor-in-Council may be asked to alter the limits of your district, and such an alteration will probably have the effect of including in your district additional towns in which it will be necessary for you to hold Courts. It is needless to say that such action would be taken with regret were it to cause you any inconvenience. Its aim would be, of course, merely to relieve some other country Judge who would be willing to preside at Darlinghurst Quarter Sessions when necessity required.

I have, &c.,
ARCH. C. FRASER,
Acting Under Secretary.

No. 6.

Mr. District Court Judge Docker to The Acting Under Secretary of Justice.

Sir,

Forbes, 5 March, 1888.

I have the honor to acknowledge the receipt of your letter of the 27th ultimo, informing me that the Minister has approved of the payment of my voucher for actual expenses incurred while presiding at the Darlinghurst Sessions in December last.

My previous letters upon this matter were written under a strong feeling of indignation at the imputation which seemed necessarily involved in the Minister's refusal to sanction this payment that I was attempting to obtain from the Government money to which I was not entitled, an imputation which appears to me almost the gravest that could be brought against the honor of a Judge. As it appears from your letter that such imputation was not intended, but that the Minister's decision was founded on imperfect and erroneous information, I beg to withdraw and apologize for any expressions in my letters which the Minister considers to cast unjustifiable imputations upon him. At the same time I must call your attention to the fact that your letter of the 27th ultimo contains the first intimation that has been conveyed to me that Sydney is regarded as the head-quarters of the District Court Judges. I was not hitherto aware of the existence of any Ministerial minute or other authority establishing any such rule—certainly there is nothing in the District Courts Acts to that effect; but I know many years ago an ineffectual attempt was made to compel each Judge to reside within the limits of his district.

I quite agree that the illustration you give is absurd, and that a Judge should reside within reasonable distance of the locality of his duty, or else reach it at his own expense. I have resided at Granville some eight years, and the result has been, if anything, to save the Department some expense so far as railway charges are concerned, because Parramatta, instead of Sydney, is my starting-point. If I were Judge of the Metropolitan District, I should consider myself bound to attend the Metropolitan Courts at my own expense, but I am not, and this is the distinction which appears to be overlooked while sitting at Darlinghurst. I am performing entirely gratuitous work—work which would at the most moderate computation cost the Government £100 if paid for; it is only equitable therefore that the necessary expenses so incurred should be paid, just as if it were a Court of my own district to which I had to travel the same distance from my residence. I only recur to this aspect of the subject because I do not clearly gather from your letter whether my actual and necessary expenses in presiding at that Court in September next are to be paid.

I agreed to hold it under the apprehension that the arrangement which the Minister now puts an end to was still subsisting, and I consider that I shall be entitled to receive them. With regard to the £7 for the December Court, as my right to that sum was questioned, however erroneously, I shall not personally

personally appropriate it, but as soon as I receive it it will be handed over to the society for the relief of discharged prisoners. With regard to the latter part of your letter, I beg to say that I must decline to assent to the doctrine that because the Metropolitan Judges are overworked the country Judges should be called upon to submit to a like process; nor can I recognize it to be the duty of the country Judges to do the work that the Metropolitan Judges cannot. I have always objected on principle, for reasons which it is unnecessary to detail, to the expedient which was avowedly temporary being converted into a permanent arrangement; and not because I object to do the amount of work which may be fairly expected from a District Court Judge.

Owing to a variety of circumstances, one of which may fairly be claimed to be the way in which the law has been administered, the amount of crime has been greatly decreased in the Western District during the last few years. From this cause and the extension of the railways, I am enabled to get through the Circuit in less time than it formerly took, though there are now more Courts, and consequently a considerable sum has been saved to the Government in the way of travelling expenses. I have always recognized and acknowledged that while these circumstances continue I am able to take more work than was originally allotted to me. I have shown this last year by taking over from the North-western District the Cobar Courts (which entail an additional road-journey of some 350 miles, and a fortnight longer on Circuit) to enable the Judge of that district to take one of the Darlinghurst Courts. The Metropolitan Judges have long been aware that rather than take the Darlinghurst Court I am willing that the three Courts of the Metropolitan District adjacent to mine, viz., Parramatta, Windsor, and Penrith, should be transferred to the Western District, though this would add more than a month to my work. This proposal has not been carried out because the Metropolitan Judges decline relief in this form. I now say, that as I understand the Judge of the South-western District is not averse to sitting at Darlinghurst, if he wishes it, I am willing to take over his Courts which lie adjacent to mine, viz., Young and Grenfell, thereby adding three weeks annually to my Circuits.

I may say therefore that I shall cheerfully perform my duties at any places which the Governor-in-Council may think should be legitimately annexed to the Western District; and I beg to assure the Minister that my own inconvenience will be the last consideration with me. I must, however, remind him that increase of Civil business on account of returning prosperity, and increase of crime through the release of criminals from confinement, may prevent me from doing as much additional work as is possible under present conditions. Even during the past year I was sometimes compelled to sit late at night to get through the Courts in the time allotted. But this practice is not advisable or convenient to the general public, and I may consequently be obliged to extend the intervals between the successive Courts.

I have, &c.,

ERNEST B. DOCKER, D.C.J.

No. 7.

The Acting Under Secretary of Justice to Mr. District Court Judge Docker.

Sir,

Department of Justice, Sydney, 20 March, 1888.

In acknowledging the receipt of your letter of the 5th instant, further respecting the payment of expenses actually incurred by you while presiding at Darlinghurst Quarter Sessions, and arrangements of Courts in your district, I am directed by the Minister of Justice to inform you that the matters of substance contained in your letter appear to have been dealt with in the course of previous correspondence.

I am also to state that, as might be gathered from my letter of the 27th ultimo, the Minister of Justice cannot see his way to consent to the payment of similar expenses in respect of your attendance at Darlinghurst Quarter Sessions in September next, and would be obliged by your stating whether, under these circumstances, you still adhere to your intention of refusing to preside at that Court.

The Minister further desires me to add, that he notes with satisfaction and begs to thank you for the expression of readiness on your part to perform judicial work so as to meet the public convenience.

I have, &c.,

ARCH. C. FRASER,

Acting Under Secretary.

No. 8.

Mr. District Court Judge Docker to The Acting Under Secretary of Justice.

Sir,

Blackheath, 24 March, 1888.

I have the honor to acknowledge the receipt of your letter of the 20th instant (88-2,882). As I consider that I have sufficiently vindicated my position in the matter referred to, and as I have no desire to upset any arrangements already made, I shall attend at the Darlinghurst Sessions in September next, at my own expense, except as to railway travelling, for which I shall draw the usual orders on your Department, as that entails no expense to the Government.

I have also to inform you that I have received a summons to attend a meeting of the Judges on the 7th April, called in accordance with the request of the Minister in January last, to consider the distribution of the work of the Judges.

As I am residing here (Blackheath) for the next month, in consequence of ill-health in my family, and have no business of my own to take me to Sydney, I desire to know whether I shall be permitted to draw an order for a return ticket from here to Sydney, to enable me to attend the meeting as being on official duty.

I have, &c.,

ERNEST B. DOCKER, D.C.J.

5

No. 9.

The Acting Under Secretary of Justice to Mr. District Court Judge Docker.

Sir,

Department of Justice, Sydney, 27 March, 1888.

Referring to your letter of the 24th instant, further respecting your attendance at Darlinghurst Quarter Sessions in September next, and asking whether you will be permitted to draw an order for a return ticket from Blackheath to Sydney, to enable you to attend a meeting of Judges in April next, to consider the redistribution of work, I am directed by the Minister of Justice to inform you that he regrets that he is unable to comply with your request or sanction the expenditure referred to.

I have, &c.,

THOS. E. MACNEVIN,

For Acting Under Secretary.

No. 10.

The Under Secretary of Justice to Mr. District Court Judge Docker.

Sir,

Department of Justice, Sydney, 28 April, 1888.

Referring to your letter of 24th ultimo, in which you state that you will attend Darlinghurst Quarter Sessions at your own expense, except as to railway travelling, for which you will draw the usual orders on this Department, and inquiring whether you will be permitted to draw an order for a return ticket from Blackheath to Sydney to enable you to attend a meeting of the District Court Judges in Sydney, being on official duty, I am directed by the Minister of Justice to inform you that the reply sent to your communication from this office dated the 27th ultimo by inadvertence referred only to your request for permission to draw a railway order from Blackheath to Sydney, instead of to both the journeys mentioned by you.

To avoid any misconception on the subject, I am directed by the Minister of Justice to inform you that he regrets that, under the circumstances fully explained in previous correspondence, he cannot sanction the use by you of a railway order in connection with your attendance at the Court of Quarter Sessions at Darlinghurst.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(COMMISSIONS TO PROSECUTE FOR THE CROWN ISSUED SINCE JANUARY, 1887, TO BARRISTERS NOT BEING QUEEN'S COUNSEL OR CROWN PROSECUTORS.)

Ordered by the Legislative Assembly to be printed, 17 May, 1888.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 9th May, 1888, That there be laid upon the Table of this House,—
“A Return showing the number of Commissions to prosecute for the Crown issued by the present Government (1st) at the Circuit Courts and (2nd) at Quarter Sessions, held by each Barrister whose name appears on the Law Almanac for 1888, such Barrister not being a Queen's Counsel, and not being or having been a Crown Prosecutor.”

(*Mr. McElhone.*)

COMMISSIONS to prosecute at Circuit Courts issued since January, 1887, to Barristers not being Queen's Counsel or Crown Prosecutors at Quarter Sessions.

Circuit Court.	Date.	Barrister appointed.
1887.		
Wagga Wagga	4 April	Charles E. Pilcher.
Hay	” ”	Francis E. Rogers.
Mudgee	” ”	Gerald R. Campbell.
Albury	12 ”	Charles J. Manning.
Young	” ”	Thomas C. J. Foster.
Tamworth	13 ”	Charles S. Cansdell.
Dubbo	” ”	R. D. Pring.
Yass	18 ”	Herbert L. P. Elles.
Grafton	22 ”	A. R. Butterworth.
Bathurst	” ”	H. R. McCulloch.
Goulburn	” ”	John Armstrong.
Deniliquin	25 ”	H. E. Cohen.
Maitland	” ”	W. H. Coffey.

Circuit Court.	Date.	Barrister appointed.
1887.		
Albury	3 October	} W. H. Coffey.
Deniliquin	14 ”	
Dubbo	5 ”	} John Armstrong.
Bathurst	14 ”	

800—

[805 copies—Approximate Cost of Printing (labour and material), £1 16s. 11d.]

Circuit Court.	Date.	Barrister appointed.
	1888.	
Dubbo	11 April.....	C. G. Heydon.
Maitland.....	18 „	H. E. Cohen.

COMMISSIONS to prosecute at Quarter Sessions issued since January, 1887, to Barristers not being Queen's Counsel or Crown Prosecutors.

Barristers appointed.	Quarter Sessions Court.	Date.
Herbert Lewis Power Ellis.....	{ Mudgee	19 July, 1887.
	{ Bathurst	28 „ „
Herbert Riverston M'Culloch.....	{ Maitland	9 June „
	{ Singleton	20 „ „
	{ Muswellbrook	23 „ „
John Armstrong	{ Young	16 Sept., „
	{ Grenfell	21 „ „
John Armstrong	{ Cowra	31 Oct., „
	{ Forbes	4 Nov., „
	{ Orange	11 „ „
John Armstrong.....	{ Wellington.....	15 „ „
	{ Braidwood	14 Dec., „
John Armstrong	{ Goulburn	20 „ „
	{ Orange	14 Mar., 1888.
John Hubert Plunkett Murray.....	{ Cooma	1 Dec., 1887.
	{ Bombala	7 „ „
Robert Jardine Browning.....	{ Cowra	1 Mar., 1888.
	{ Forbes	6 „ „
	{ Windsor	1 May, „
Robert Jardine Browning	{ Parramatta.....	4 „ „
	{ Campbelltown	17 „ „
Charles Gregory Wade.....	{ Cobar	9 „ „

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES:

MR. ADDISON, STIPENDIARY MAGISTRATE.

(PETITION FROM CHARLES PRINCE, CHAIRMAN OF MEETING OF LICENSED DRIVERS.)

Received by the Legislative Assembly, 25 November, 1887.

To the Honorable Members of the Legislative Assembly for the Colony of New South Wales.

The Humble Petition of the undersigned licensed drivers,—

SHOWETH :—

That the undersigned and others being dissatisfied with the conduct of Mr. Addison, Stipendiary Magistrate, held a public meeting on Friday, the 23rd day of September, 1887, at which were present nearly all the licensed drivers of Sydney, and it was resolved to Petition the Honorable Members of the House of Parliament of this Colony, for all minutes and correspondence relative to Mr. Addison's conduct since he held the position of Stipendiary Magistrate.

That on a number of licensed drivers being summoned on the 2nd day of September last, for a breach of the Transit Commissioners by-law, they defended them, Mr. Addison made use of these words—"go and follow the leader, plead not guilty, and I will fine you double;" thereby implying no matter what defence they might have that he would fine them all double, or in other words prejudicing the case before any evidence given.

That your Petitioners caused the matter to be placed before the Minister for Justice, and received a reply thereto dated the 13th day of September last, number 9474, stating that Mr. Addison denies the charges made against him of having dealt unjustly in the cases mentioned, and that the Minister for Justice was satisfied with the explanation furnished by Mr. Addison.

That your Petitioners desire that a Select Committee be appointed to enquire into the conduct of Mr. Addison, relative to remarks made by him in his capacity of Stipendiary Magistrate, when adjudicating in the Police Courts with licensed drivers.

That this is not the first time remarks of a similar nature were used.

Your Petitioners therefore pray as follows :—

That a Select Committee be appointed to inquire into the conduct of Mr. Addison, relative to remarks made by him while acting in his capacity of Stipendiary Magistrate, when adjudicating in the Police Courts with licensed drivers.

And your Petitioners will ever pray, &c.

CHARLES PRINCE,
Chairman of meeting.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(POLICE MAGISTRATE FOR PARRAMATTA.)

Ordered by the Legislative Assembly to be printed, 2 May, 1888.

RETURN to an *Order* of the Legislative Assembly of New South Wales, dated 18th March, 1885, That there be laid upon the Table of this House,—

“Copies of all applications received during the months of October, November, and December, 1884, for the appointment of Police Magistrate for the Borough of Parramatta.”

(*Mr. Melville.*)

Mr. S. Robinson to The Under Secretary of Justice.

Sir,

By permission, I have the honor to apply for the appointment of Police Magistrate for Parramatta. The emoluments accruing from the various offices which I hold in Young are much greater than I could expect from the Parramatta appointment. My sole object in asking for the charge is, that I have several children to educate, and there is no school in Young besides the public institution. I am now nearly thirteen years in the Public Service, out of which time I have been over nine years Police Magistrate in Young.

Trusting that you will bring my application favorably under the notice of the Honorable the Minister for Justice,

Young, 4 November, 1884.

I have, &c.,

S. ROBINSON.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(APPOINTMENT OF A POLICE MAGISTRATE FOR PARRAMATTA.)

Ordered by the Legislative Assembly to be printed, 15 May, 1888.

RETURN to an *Address* of the Legislative Assembly of New South Wales, dated 3rd May, 1888, That His Excellency will be pleased to cause to be laid upon the Table of this House,—

“Copies of all papers, applications, &c., in connection with the appointment of a Police Magistrate for Parramatta.”

(*Mr. Frank Farnell.*)

H. Byrnes, Esq., J.P., to The Hon. W. B. Dalley.

My dear Dalley,

Parramatta, 5 November, 1884.

I understand that provision will be made on the Estimates for the appointment of a Police Magistrate to do the Bench work here, as well also at Liverpool and Ryde, and as I intend to make an application to the Minister for Justice for the position, I write to ask if you will oblige me by using your influence with your colleague to secure the appointment for me. I have been a Magistrate for nineteen years, and was appointed by the late Sir Charles Cowper in July, 1865, and since that time I have disposed of the greater part of the Police Office business here, with good reason for believing, as far as one may expect, with satisfaction to, at least, the greater part of the respectable people in the community. My decisions have only been questioned three times, and prohibitions were granted in two cases. At the present time I am the Licensing Magistrate for the district, and was nominated to the Government for the office at a meeting of forty magistrates, some of whom were from the Ryde Bench, thus showing that as far as the Justices are concerned, they considered me qualified in every way to occupy the chief position on the Bench. I am quite satisfied no opposition would be raised here to my application by any person except by Mr. Taylor, and if his were from honest and upright motives, I could expect it, but I know it would arise entirely from vindictiveness and hatred to me, as well as towards the members of my family, and in this light it should be viewed, for as a Magistrate I can defy him and the whole world to point to a single act of mine and say that it was done corruptly, or even bore the colour of partiality. I should like very much to have the appointment, for it would be a high compliment to be selected for it, besides being an endorsement of approval of the manner in which I have discharged my duties as an unpaid Magistrate, at the same time showing that the Government feel I am in every way competent to discharge the more important duties of a Police Magistrate. It would also be a gratification to my father, who has for so many years worked hard for the good of the town and district, and at different times for long periods represented both in Parliament. It might be said that it would be an exceptional case to appoint one who has been so long residing in the town, but it would not be so, for, if my memory serves me rightly, a Mr. Smith was a school-teacher in one of the Northern towns, where he afterwards became Clerk of Petty Sessions, and ultimately the Police Magistrate. There is also the case of Mr. John Lane, the Police Magistrate of Orange, where he resided for many years previous to his appointment; and then again the late Mr. North, at Carcoar, where he for years kept a store. While in my case, although having been here so long, and engaged in business, I have scarcely been brought into contact with the people in that way, as all our manufactures have been disposed of in Sydney; and I may mention that although my family connections have very little to do with politics, it is not a proof that Mr. Taylor represents the community, for the only occasion on which my brother contested the electorate with him he defeated him, so that any opposition of his to my appointment could only be endorsed by a certain number of the people at most, while I have reason to believe it would not even

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even be by all who politically support him, but by the less respectable part. While on this subject I may refer to a fact worthy of consideration, that when Sir H. Parkes made such a determined effort to have Mr. Stuart rejected for Kiama he sent a friend to my father to try and induce him to go down and vote against Mr. Stuart and to use his influence among miners at Wollongong, with whom he has to do, to record their votes in the same way, and my father positively refused to do either, or to allow any one connected with the mine to use his name for the purpose by inducing any miner to vote against the Premier. I have written you rather lengthily on this subject, and referred to matters which under other circumstances would have been unnecessary, but which I thought in this case would not be out of place, as some of the points might be raised for consideration, and it is as well to deal with them in my letter to you, to whom I feel I am writing as a friend, and I hope you will not feel that I have wearied you on the subject.

And now I would ask you to do me the great favour of endeavouring to secure the appointment for me, for I am strongly of opinion, if you do, I shall be sure of it, as I believe your influence in the Government is very great. I need scarcely say you will never have cause to regret the exercise of your influence, for I am competent in every way to perform the duties in the position I seek, and would do so with honor to myself and satisfaction to the Government. I may further add that if the person who may be appointed will, as I understand have to do the Bench work at Liverpool and Ryde, both places being in the Central Cumberland Electorate, would cause Lackey and M'Culloch to feel an interest in the matter, and I know they will both favour me.

Yours, &c.,

H. BYRNES.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(CORRESPONDENCE IN REFERENCE TO REMOVAL OF THE LATE ACTING POLICE MAGISTRATE AT COROWA.)

Ordered by the Legislative Assembly to be printed, 16 May, 1888.

FURTHER RETURN to an *Order* of the Legislative Assembly of New South Wales, dated 5th July, 1887, That there be laid upon the Table of this House,—
“Copies of all papers and documents in connection with the removal of
“the late Acting Police Magistrate at Corowa.”

(*Mr. Walker.*)

EXTRACT from Cash Book and Bank Pass Book from 14th July to 3rd December, 1886, during the period Mr. Frederick Cameron Macarthur was Acting Police Magistrate and Clerk of Petty Sessions at Corowa.

Dr.		Cr.			
1886.		£ s. d.	1886.		£ s. d.
14 July ...	Thos. Gilchrist, fine, drunk	0 10 0	26 July ...	Bank of Australasia, Corowa, deposit	1 0 0
14 „ ...	do do obscene language	0 10 0	29 „ ...	do do	2 10 0
27 „ ...	John O'Brien, tobacco license	0 5 0	2 Aug. ...	do do	2 7 6
28 „ ...	Mary E. Evans, transfer public license	2 0 0			
28 „ ...	Jas. Gill, tobacco license	0 5 0			
29 „ ...	W. T. Monahan, sheep assessment ...	1 0 0			
29 „ ...	J. Douglas, No. 117, dog registered ..	0 2 6			
29 „ ...	Nos. 118 to 123, 6 dogs registered...	0 15 0			
30 „ ...	Nos. 124 and 125, 2 do do	0 5 0			
30 „ ...	Donald Johnson, tobacco license	0 5 0			
		£5 17 6			£5 17 6
5 Aug. ...	Peter Courick, drunkenness	0 5 0	6 Aug. ...	Bank Australasia Pub. Rev. Corowa	0 10 0
5 „ ...	George Clark, do	0 5 0	17 „ ...	do do	0 5 0
16 „ ...	E. M'Sweeney, tobacco license	0 5 0	25 „ ...	do do	15 15 6
23 „ ...	John Roy, obscene language	0 10 0	26 „ ...	do do	0 6 6
24 „ ...	J. T. Thompson, Sunday-selling	15 0 0	31 „ ...	do do	1 6 6
24 „ ...	M. Kennedv, I.S. & 3 fo.	0 5 6			
26 „ ...	T. M. Stead, I.S.A. & 3 fo.	0 6 6			
30 „ ...	Stead & Stead, I.S.A. & 3 fo.	0 6 6			
30 „ ...	do supb. 3 cop. recog. warrant ..	0 10 0			
30 „ ...	W. Johnson, abusive language	0 10 0			
		£18 3 6			£18 3 6
17 Sept. ...	No. 126, 2 dogs registered	0 5 0	14 Sept. ...	Bank Australasia, Public Revenue...	0 10 0
21 „ ...	Nos. 127 and 128, 3 dogs registered..	0 7 6	19 „ ...	do do	0 5 0
14 „ ...	James Wilson, fine, obscene language	0 10 0	21 „ ...	do do	0 7 6
27 „ ...	Alex. Patton, fine, drunk	0 10 0	27 „ ...	do do	0 10 0
28 „ ...	No. 129, 2 dogs registered	0 5 0	29 „ ...	do do	0 15 0
29 „ ...	Nos. 130 and 131, 4 dogs registered..	0 10 0			
		£2 7 6			£2 7 6

Dr.			Cr.	
1886.		£ s. d.	1886.	£ s. d.
1 Oct. ...	No. 132, 3 dogs registered	0 7 6	7 Oct. ...	Bank Australasia, Public Revenue... 3 0 0
4 " ...	Nos. 133-138, 7 dogs registered	0 17 6	11 " ...	do do ... 3 5 0
5 " ...	Nos. 139-142, 6 do	0 15 0	12 " ...	do do ... 4 12 6
6 " ...	Nos. 143-145, 4 do	0 10 0	20 " ...	do do ... 14 2 6
7 " ...	Nos. 146, 147, 4 do	0 10 0	26 " ...	do do ... 4 6 6
8 " ...	No. 148, 1 dog registered	0 2 6		
9 " ...	Nos. 149-152, 15 dogs registered	1 17 6		
9 " ...	Eugene Sullivan, fine, drunk	0 5 0		
11 " ...	Nos. 153-157, 8 dogs registered	1 0 0		
12 " ...	Nos. 158-166, 13 do	1 12 6		
12 " ...	Wm. Spears, 2 coach licenses	0 10 0		
12 " ...	S. J. Chenhall, 1 coach license	0 5 0		
12 " ...	Crawford & Co., 5 coach licenses	1 5 0		
12 " ...	W. J. King, 1 coach license	0 5 0		
12 " ...	Wm. Thomson, 1 coach license	0 5 0		
12 " ...	Ellen Thomson, 1 do	0 5 0		
12 " ...	James Kennedy, 1 do	0 5 0		
13 " ...	Nos. 167-173, 14 dogs registered	1 15 0		
14 " ...	Nos. 179-192, 16 do	2 0 0		
15 " ...	Nos. 193-215, 24 do	3 0 0		
15 " ...	10 do	1 5 0		
16 " ...	Nos. 216-229, 18 do	2 2 6		
18 " ...	Nos. 230-252, 30 do	3 15 0		
19 " ...	Nos. 253, 254, 2 do	0 5 0		
20 " ...	Nos. 255-265, 13 do	1 12 6		
22 " ...	Nos. 266-268, 4 do	0 10 0		
22 " ...	William Elliott, dog unregistered ...	0 10 0		
22 " ...	James Hiskins, do	0 10 0		
22 " ...	Robert S. Dryburg do	0 10 0		
23 " ...	Nos. 269, 270, 2 dogs unregistered ...	0 5 0		
25 " ...	Wm. Higgins, fine, drunk	0 5 0		
25 " ...	Nos. 271, 272, 2 dogs registered	0 5 0		
26 " ...	Michael Heenan, fine, drunk	0 5 0		
26 " ...	Janet Allen, J. S. A., 3 fo.	0 6 6		
26 " ...	Nos. 273, 274, 2 dogs registered	0 5 0		
	(Papers of 19th.)			
26 " ...	W. J. Monahan, rabbit assessment ...	0 2 4		
26 " ...	do fine	0 0 6		
27 " ...	M. Kennedy, fine	0 10 0		
	(Papers, August 17.)			
27 " ...	Conrad W. Meyers	0 5 0		
27 " ...	Nos. 275, 276, 3 dogs registered	0 7 6		
28 " ...	Nos. 277, 278, 3 do	0 7 6	29 Oct. ...	Bank Australasia, Public Revenue... 2 10 4
29 " ...	Nos. 279-285, 10 do	1 5 0	1 Nov. ...	do do ... 6 7 6
30 " ...	No. 287, 1 dog registered	0 2 6		
30 " ...	P. H. Carne, D.C. fees, 86-14 to 86-22	5 0 0		
		£38 4 4		£38 4 4

Examined from 15th May, 1885, to date. correct, 27th October, 1886.

All collections have been accounted for to the Treasury. October balance

JAMES HINCHEY,
Treasury Inspector.

Entered in blue pencil in Cash Book.

A. K. BEVERIDGE,
P.M., Corowa.

1 Nov. ...	Maurice Bush, tobacco license	0 5 0	3 Nov. ...	Bank of Australasia, Pub. Rev.	9 2 6
2 " ...	George Bell, fine, drunk	0 5 0	10 " ...	do do	9 10 6
2 " ...	P. H. Carne, D.C. fees, No. 23-24 ...	2 0 0	23 " ...	do do	14 5 0
2 " ...	W. G. Martin, fine, assault	1 10 0			
3 " ...	P. H. Carne, D.C. fees, Nos. 25-7 ...	2 10 0			
5 " ...	Wm. Green, fine, drunk	0 5 0			
8 " ...	Patk. Kelly, fine, drunk	0 5 0			
8 " ...	do do obscene language ...	1 0 0			
10 " ...	J. T. Thompson, tobacco license	0 5 0			
10 " ...	D. Kelly, fine, 2 dogs unregistered ...	1 0 0			
10 " ...	do I.S. 3 fo.	0 5 6			
10 " ...	Jchn Smith, fine, drunk	0 5 0			
10 " ...	do do obscene language	0 10 0			
10 " ...	G. Leapord, fine, 3 dogs unregistered ...	1 10 0			
10 " ...	do I.S. 3 fo.	0 5 6			
10 " ...	H. Hutclison, fine, 1 dog unregistered ...	0 10 0			
10 " ...	do I.S. 3 fo.	0 5 6			
10 " ...	M. Gallagher, fine, 1 dog unregistered ...	0 10 0			
10 " ...	do I.S. 3 fo.	0 5 6			
10 " ...	R. Edols, fine, 5 dogs unregistered ...	2 10 0			
10 " ...	do I.S. 3 fo.	0 5 6			
15 " ...	J. Wilkinson, D.C. fees, No. 28 ...	0 10 0			
17 " ...	James Wilson, fine, drunk	0 5 0			
17 " ...	do do obscene language	1 0 0			
18 " ...	P. H. Carne, tax, D.C. No. 26	0 3 6			
18 " ...	do do do No. 27	0 3 6			
18 " ...	do do do No. 14	0 2 6			
18 " ...	do do do No. 16	0 2 6			
18 " ...	do subp. do No. 15	0 1 0			
20 " ...	W. Clifton, tobacco license ..	0 5 0			
22 " ...	288-341, 78 dogs registered	9 15 0			
		£28 15 6		Surplus refund paid C.P.S.	1 0 0
					£32 18 0

I certify that the foregoing entries are a true copy of the Public Revenue Cash Book from the 14th July, 1886, to the 22nd Nov., 1886.

Corowa, 9th April, 1888.

ALBERT K. BEVERIDGE,

Police Magistrate.

DR.		Public Revenue, Corowa, Account, in account with the Bank of Australasia, Corowa.		CR.	
1886.		£ s. d.	1886.		£ s. d.
10 Aug.	To July collection	11 14 6	27 July	By Cash	1 0 0
26 Oct.	„ Draft, Treasury	2 7 6	29 „	„ Cheques	2 10 0
26 „	„ Colonial Treasurer	18 3 6	10 Aug.	„ do	2 7 6
5 Nov.	„ Treasury Draft	38 4 4	10 „	„ Cash	0 10 0
26 „	„ Carne	1 18 0	26 „	„ Transfer from A. K. Beveridge's	
1 Dec.	„ Draft	28 15 6		account	5 17 0
3 „	„ Cash	1 4 6	26 Oct.	„ Cash	29 6 6
			26 „	„ do	2 7 6
			26 „	„ do	17 13 6
			29 „	„ do	2 10 4
			1 Nov.	„ Cheques, &c.	5 7 6
			3 „	„ Cash	9 2 6
			10 „	„ do	9 10 6
			23 „	„ do	14 5 0
		£102 7 10			£102 7 10

C. W. BELL,
Manager.

I certify that I have seen the Bank ledger, and this is a correct copy of account of F. C. Macarthur's Public Revenue Account during the period he was Acting C.P.S. at Corowa, as recorded in the Bank of Australasia's ledger at Corowa Branch. 9 April, 1888.

ALBERT K. BEVERIDGE, P.M., Corowa.

[3d.]

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.
(DISTRICT COURT BAILIFFS)

Ordered by the Legislative Assembly to be printed, 5 June. 1888.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 5th October, 1887, That there be laid upon the Table of this House a Return showing,—

“The names of all District Court Bailiffs and the amount of fees received
“by each of them for the performance of their several duties during the
“year 1886, and for the six months ending 30th June last—such return to
“distinguish the fees paid for the several services performed by such
“Bailiffs.”

(Mr. Gould)

Place and Name	Nature of Fees					Amount	
	Mileage and Service of Summons, &c., &c	N ^o of M ^o L ^o v ^o	Keeping Possession	Serving Foreign Summons &c	Miscellaneous Services	1st January, 1886 to 31st December 1886	1st January 1887 to 30th June, 1887
	£ s d	£ s d	£ s d	£ s d		£ s d	£ s d
Albury Wilham Simes	22 0 0	3 10 0	5 0 0			30 10 0	
	9 15 0						9 15 0
Arimdale Peter Deane	34 8 0	5 18 9		3 12 0		43 18 9	
	18 17 0	4 14 0		0 16 0			24 7 0
Bahanald George Hartnell	2 7 0					2 7 0	
	0 2 0						0 2 0
Pathurst P H Berney	51 4 0	4 17 6	13 13 0			69 14 6	
	22 16 0	3 12 0	8 1 0				34 9 0
Bega Joseph Payton						81 13 6*	
							20 16 0*
Bungea A W. Mallon	3 16 0					3 16 0	
	1 3 2						1 3 2
Bombala J M. Gleeson	98 11 6					98 11 6	
	31 11 0						31 11 0
Bourke Thomas Moore (from 1st January, 1887)	1 10 0	5 15 6				7 5 6	
	0 11 0	0 12 0					1 3 0
Braidwood George F. Taylor	13 2 0	10 0 0				23 2 0	
	6 3 0	6 0 0					12 3 0
Eurooa T G. Cook	33 16 0					33 16 0	
	11 8 0						11 8 0
Campbelltown T J Winton	20 7 0	5 10 0				25 17 0	
	27 10 0	8 5 0					35 15 0
Carcoar Chas H Higgs	6 7 0	1 0 9	4 4 0			11 11 9	
	7 12 0	0 19 2	4 4 0				12 15 2
Casino Geo H Mangotts	13 12 4	5 14 0	10 10 0			29 16 4	
	7 3 0	3 11 0	4 4 0				14 18 0
Cobai W H Davis (to 31st August, 1886), succeeded by S E Collin	17 15 0					17 15 0	
	2 18 0	3 10 0					6 8 0

* No record of the fees paid for the several services

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[830 copies—Approximate Cost of Printing (labour and material), £4 13s 10d]

Place and Name	Nature of Fees					Amount	
	Mileage and Service of Summons, &c	Making Levy	Keeping Possession	Serving Foreign Summons &c	Miscellaneous Services	1st January, 1886 to 31st December, 1886	1st January, 1887 to 30th June, 1887
	£ s d	£ s d	£ s d	£ s d		£ s d	£ s d
Cooma Edward F Druitt						161 19 0*	
Coonabarabran James Maguire		7 6 10	4 13 6			12 0 4	67 4 0*
Coonamble F Claney	4 15 0	4 9 6	0 4 0			9 15 0	4 13 6
Cootamundra J P Duhigg, (to April, 1887), succeeded by J P Purcell	1 4 0	0 6 0	0 7 0			18 0 0	1 17 0
Cotowa George Figgis	13 5 0		4 15 0				7 10 0
Cowra John Murr	4 0 0		3 10 0			16 15 0	1 10 0
Deniliquin Thos Barclay	16 15 0					29 8 0	7 0 0
Dubbo Thos. Fawley	1 10 0	1 3 0		1 19 2		8 0 2	16 8 0
Eden Joseph Payten	6 7 0	0 13 0		3 1 0		7 16 0	8 19 0
Emmaville J P Stewart	28 5 0		2 9 0			13 17 0*	6 3 0*
Forbes George E Job	6 7 0		0 18 0			4 3 6	8 17 6
Glen Innes Patrick Kinsella	6 15 6	1 4 0				18 2 9	8 17 9
Goulburn E J Holloway, (from 26th January, 1887)	8 8 0	9 14 9				24 17 0	8 13 0
Grafton M M'Donough	6 19 0	1 18 9				132 19 3	71 11 6
Grenfell W H Hazleton	21 13 0	3 4 0	4 17 6			82 18 0	62 0 0
Gundagai Francis Moran	4 19 0	3 14 0	5 9 9			13 8 0	3 11 0
Gunnedah Patrick O'Neil	107 6 0	25 13 3	2 9 0			32 9 0	18 4 0
Gunning Alf J Roberts, to 31/12/86, succeeded by P A Best	59 0 0	12 11 6	1 1 0			13 7 0	7 3 0*
Hay John Porter	32 17 0	25 3 6				8 10 6†	3 19 6†
Hillston A N Grant	38 6 0	18 4 3					4 15 0
Inverell Charles Egan	9 12 0	1 7 0				3 3 0	1 0 0
Kempsey Charles H Wright	2 3 0	0 7 0				33 14 0*	14 18 6*
Kiama C Legatt	60 5 0	34 12 0				94 17 0	67 18 0
Lismore Alex S Meares	27 13 0	40 5 0	0 10 0			6 17 0	7 7 0
Lithgow Patrick Finn	3 18 0	0 11 0	2 18 0				309 12 7‡
Macleay William Harris	159 11 0	150 1 7				9 9 9	6 1 0
Maitland C H Atkinson	6 12 0	2 17 9	6 6 0			43 4 9	24 10 3
Memorie A G Gibson	6 1 0	6 17 9	4 11 0	3 3 0		97 6 0	37 15 0
Merrinya Edward O'Keefe	30 1 0	2 7 3				32 3 9	0 1 0†
Milton Christopher Murray	14 9 0	16 18 0				1 10 0†	3 15 0
Molong Joseph Morris	28 7 0	9 8 0				11 8 0	3 18 0
Moree George Shaw	0 13 0	1 5 0	2 0 0			6 12 0	21 8 0
Moruya John Shottin	35 11 0	1 14 0				21 15 0	8 14 0
Moss Vale Alfred Townsend	17 6 0	4 2 0				37 5 0	97 0 0‡
Mudgee Evan Richards	18 13 0	3 2 0				24 18 6	5 10 0
Murrumbidgee Henry Brook	4 19 0	3 15 0				6 14 6	19 18 0
Murrumbidgee succeeded by George W Sternitt	51 9 0	45 11 0					4 5 0
Muswellbrook Luke Conroy	19 10 0	5 8 6	1 15 0			6 6 6	7 3 0
Narrabri Denis Roach	2 17 0	2 13 0				32 2 0*	12 11 6*
Narrandera David Logie	6 14 6					99 15 6	74 0 0
Newcastle W S Collins	13 12 0		6 6 0			6 12 0	3 8 0
Nowra Chas Murray	6 12 0	0 6 0				12 2 3	12 14 9
Orange George C Mackay	2 4 0					91 13 0	66 2 9
Orange succeeded by Thos Rieves	6 6 6					22 1 0	8 14 0
Parramatta John Bowers	7 3 0						
Penrith John Price	80 2 6	19 13 0	24 17 0				
	62 15 0	11 5 0	18 15 0				
	10 0 0						
	9 11 0	2 11 3					
	9 17 6	2 17 3					
	47 12 0	19 4 0					
	33 9 0	13 15 9					
	15 6 0	6 15 0					
	7 4 0	1 10 0					

* No record of the fees paid for the several services

† Court since abolished 1886, to 30th June, 1887

‡ This amount is for the whole period 1st January,

Place and Name	Nature of Fees					Amount	
	Mileage and Service of Summonses, &c, &c	Making Levy	Keeping Possession	Serving Foreign Summonses, &c	Miscellaneous Services	1st January, 1886, to 31st December, 1886	1st January, 1887, to 30th June, 1887
	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Port Macquarie H Windeyer		0 12 0	0 16 0			1 8 0	
Queanbeyan John Ford	27 16 0	0 12 0					0 12 0
Scone James Dodds	5 9 0	1 16 0					7 5 0
Silverton —	1 18 0					1 18 0*	2 8 0*
	2 8 0						†
Singleton C Poppenhagen	12 7 0	2 17 0				15 4 0	†
	10 7 0	3 14 0					
Sydney John M'Kinlay (during 1886 only)							14 1 0
J B Allpress (during 1887 only)	336 2 0	488 18 9	No record.	No record.		825 0 9‡	
A Shepherd			do	do			
J Mahew	124 12 6	222 12 9					347 5 3
S Withers							
Tamworth H A Ledger	11 18 0	5 7 0	4 4 0			21 9 0	
	11 1 0	3 17 0	8 1 0				22 19 0
Taree : Henry M'Cube	44 16 0					44 16 0	7 13 0
	7 13 0						
Temora James Davoren	5 3 0	4 1 0		0 15 0		9 19 0	0 15 6
	0 12 6			0 3 0			
Tenterfield Isaac Whereat	4 12 0	2 11 0				7 3 0	8 2 0
	4 11 0	3 11 0					
Tumut James Cair	6 10 0	1 9 6				7 19 6	15 15 9
	13 5 0	2 10 9					
Wagga Wagga James Inglis	66 10 0	10 0 0				76 10 0	37 13 0
	34 12 0	3 1 0					58 7 11§
Walgett F W Watkins	34 1 2	24 6 9					
Warialda Robert Stewart	1 12 0	1 12 0			4 0 0	7 4 0*	1 19 0
	1 19 0						
Warren, L M'Guinness	0 3 6					0 3 6	0 18 0
	0 18 0						
Wellington P Madden	6 1 0	1 14 0	2 2 0			9 17 0	3 3 0
	2 11 0	0 12 0					
Wentworth W T. Read	3 9 0					3 9 0	
Wilcannia A W R Pratt							
Windsor J T Smith	28 2 6	6 9 0				34 11 6	15 16 0
	12 15 0	3 1 0					
Wollongong John Copas	30 0 0	3 10 3	1 8 0			34 18 3	34 16 9
	25 19 0	6 8 9	2 9 0				
Yass James S. Carter	23 1 0	2 6 0				25 7 0	26 18 0
	20 2 0	6 16 0					
Young J H Powell	22 11 0	4 17 0				27 8 0	25 5 0
	19 17 0	5 8 0					

* Court since abolished † First Court held 7th June, 1887 ‡ These fees are divided equally amongst the four bailiffs, who pay their assistants from the same § This amount is for the whole period—1st January, 1886, 30th June, 1887
 NOTE—Some of the particulars given under heads 3, 4, 5, are approximations, fees having been received by the bailiffs direct, and no record kept of the same

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALLEGED ARSON AT RYDE.

(CORRESPONDENCE, &c., RESPECTING CHARGE AGAINST REV. H. H. BRITTEN.)

Ordered by the Legislative Assembly to be printed, 7 March, 1888.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10th November, 1887, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

“Copies of all documents, papers, and depositions, in the case of alleged arson, preferred against the Rev. H. H. Britten, of Ryde; also copies of any letters which may have passed between the Minister of Justice and the Colonial Secretary on the matter, and in respect to the conduct of Mr. Manning, Coroner at Ryde.”

(Mr. J. S. Farnell.)

Frank Farnell, Esq., M.P., to The Colonial Secretary.

Sir,

Legislative Assembly, Sydney, 28 March, 1887.

I have the honor to direct your attention to the conduct of Mr. J. E. Manning, a Magistrate of the Colony, and residing at Ryde, in connection with the malicious prosecution which has taken place against the Rev. H. H. Britten (the incumbent of St. Anne's Church). The evidence in the case points most clearly to the fact that the proceedings would never have been instituted had it not been that Mr. Manning bore malice to the rev. gentleman, which he openly shewed on many occasions; and in my own presence Mr. Manning's actions, in trying to poison the minds of people against Mr. Britten, and his evidence in the case, proves conclusively that he is most unreliable, and if we are to believe the witnesses his word is worth but very little. I might point out here that the very same gentleman was at one time committed for perjury. It is the opinion of the people of Ryde that the purity of justice would be maintained if Mr. Manning were dismissed from the magistracy. I might state that many complaints have been made previous to this in reference to the partiality shewn while on the Bench, and I also can point out to you a most disgraceful piece of business in which Mr. Manning was the chief actor in connection with a will. I look upon Mr. Manning as being thoroughly incompetent and incapable as a magistrate, and his conduct in the late prosecution against Mr. Britten calls for the heaviest censure; the people of Ryde and district have, in public meeting assembled, condemned him, as well as strangers, who have only read the evidence in the case.

I have, &c.,

FRANK FARNELL.

Mr. Manning may be asked for any explanation which he may desire to offer.—H.P., 7/11/87.

The Principal Under Secretary to J. E. Manning, Esq., J.P.

Sir,

Colonial Secretary's Office, Sydney, 14 April, 1887.

I am directed by the Colonial Secretary to enclose for your perusal, and for any explanation that you may desire to offer, the accompanying copy of a letter that has been received from Mr. Frank Farnell, M.P., preferring charges of misconduct against you.

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

310—A

J.

[805 copies—Approximate Cost of Printing (labour and material), £30 0s. 10d.]

J. E. Manning, Esq., J.P., to The Principal Under Secretary.

Ryde, 19 April, 1887.

Sir,

I have the honor to acknowledge the receipt of your letter of the 14th, enclosing a copy of a letter received by you from Mr. F. Farnell, M.L.A., and asking for any explanation I may have to offer in reply to certain charges therein contained.

I have been a magistrate of the Colony for just twenty-six years, my commission dating, I fancy, before Mr. F. Farnell was born, and I have never during that time had a decision appealed against, nor have I ever heard of any complaints as to my conduct as a magistrate.

For the past eight years I have virtually been the Police Magistrate at Ryde, and living in the village, as I do, and being nearly always at home, I not only have to attend all the regular Courts, but all the special cases perpetually arising from Peat's Ferry and other parts of this large district. In addition, I have to do nearly all the chamber work in the signing of informations, &c.

I do not complain at having had to sacrifice my time very largely in the performance of my duty as a magistrate; but it must be quite clear that, in doing my duty honestly as a magistrate, I must necessarily offend a good many who are brought before me.

Mr. F. Farnell states that there has been a malicious prosecution of Mr. Britten, and that such proceedings would not have been instituted "had it not been for Mr. Manning's malice to the rev. gentleman."

The facts of the case are very simple: As coroner I held an inquest on the fire at Mr. Britten's parsonage, and the jury returned a verdict of "arson against some person to them unknown." I was told by a member of the jury at the time that it had been proposed to add a rider to the effect that the fires could only have been caused by some one resident in the parsonage, but that it was thought the coroner would not receive such a verdict. The depositions taken at the inquest I sent in to the Department of Justice in the usual way. Some days subsequently a juryman (Best) asked me how it was that Constable Harper was not called at the inquest, stating that it was quite clear "his evidence had been suppressed to get somebody out of it," and that if it had been him (Best), instead of some one else, he would have been run in long ago. Best then told me that Constable Harper could give material evidence gained by him (Harper), when left in charge of the premises after the fires were extinguished. I at once saw Constable Harper and took down his statement in writing. Shortly afterwards he reappeared at my house with F. Woodcock, who, he said, would confirm him in some of his statements. I then took down what Woodcock had to say and forwarded both statements to the Minister for Justice. I have learnt that Mr. Attorney-General Want, upon this evidence being laid before him on the 17th of December, directed an information to be laid, and that Mr. Attorney-General Foster, on the 31st January, complained of the delay, "which may be calculated to frustrate the ends of justice, &c.," and confirmed Mr. Want's direction. Copies of these minutes and Mr. Garvan's are appended, marked A, B, C, D, respectively. Had there not been some ground for the prosecution I humbly submit that two Attorney-Generals could not have agreed in directing it. But Mr. F. Farnell states that the matter never would have been instituted but for my malicious feeling against Mr. Britten. This I wholly deny. It is true that I, in company with a large portion of the parish, objected (for reasons which we considered sufficient, and which, if necessary, I am prepared to state) to Mr. Britten as incumbent of the parish, and we approached the Primate with our complaints.

While these matters were pending the parsonage fires occurred, as detailed in the depositions, and I, knowing that anything I did would probably be misconstrued, and feeling the painful position in which I was officially placed as coroner, left the management of the case in the hands of the police till the inquest was opened, with the result, that I was kept unaware of the evidence that Constable Harper could give, until my attention was called to it as aforesaid, subsequent to the inquest. With reference to the inquest itself and my conduct thereat, I enclose a statement signed by the jury, and marked E, and I give the following extract from the evidence of Mr. John Bennett of Brush Farm:—"By Mr. Pring: Mr. Britten had told him in a private conversation that Mr. Manning behaved very well and most impartially at the inquest." Mr. F. Farnell makes reference to a meeting held here which passed a resolution unfavourable to me. This meeting was got up during my absence at Bathurst, and on my return my friends advised me to treat the matter with contempt. This meeting, I am informed, turned out a very rowdy one, the parties for and against me being fairly evenly divided, and at the end cheers were given, both inside the hall and outside, for me. I may mention that the chairman had been recently fined before another J.P. and myself for assault—consequently he was not very friendly to me. Showing the opinion of the public, I append copy of address marked F. With reference to the statement of my having been committed for perjury, the cowardice of the charge may be judged from the following facts, which were explained by me in my cross-examination at the inquiry, and could have been easily verified or disproved by inquiry. This is on a par with Mr. F. Farnell's threats to avail himself of the privileges of the House to malign me by saying what he would not dare to say outside, my cause of offence being, as he has stated, that I opposed his return at a previous election. About seventeen years ago I had a case in the District Court, in which I got a verdict, the Judge believing me and my witnesses in preference to the other side. My opponent laid an information for perjury against me, and so shut my mouth. The magistrates, as I was told, thought that they had no discretionary power in such cases, and I was accordingly committed; but Sir James Martin, the then Attorney-General, on reading the depositions, refused to prosecute, and caused me to be so informed at once. Such a matter could not occur in these days, as vindictive defeated suitors cannot now lay informations for perjury without first obtaining permission of the Judge who heard the case. As the Judge trying my case believed the evidence on my side and gave me a verdict, it is quite clear that he would not have allowed a prosecution for perjury against me. I would also call attention to the fact that I was at that time a J.P., and have remained so ever since. I notice that Mr. F. Farnell looks upon me "as being thoroughly incompetent and incapable as a magistrate, &c." I scarcely think that I can submit myself to his judgment on such a matter, and I do not rely upon my own, but I refer you to the certificate signed by my brother magistrates and the attorneys practising before me (marked G and H respectively), and now enclosed, both as to my capability and integrity of action. Mr. F. Farnell makes reference to a will. I was asked, in reference to this matter, in Court, and the whole circumstances were explained, and I am ready, at any moment, to satisfy anyone when a distinct charge is made, or even if the Colonial Secretary desires it. I think I have now dealt with all the subjects referred to by Mr. F. Farnell. In addition

addition I may state that when the Licensing Act came into force, and the Ryde District formed part of the Parramatta Licensing District, I was unanimously elected a member of the Parramatta Licensing Bench by the magistrates of the two districts, and I am still a member of that Licensing Bench. When the districts were divided I was unanimously elected chairman of the Ryde Licensing Bench, which appointment I still hold. Subsequently, when a coroner was required for this district, I was unanimously recommended for the position by my brother magistrates. I should like to state, in addition, that although it would appear, from an answer given in the Legislative Assembly, that some complaint as to my action as coroner had been before the Minister for Justice, and that he had dealt with it, I have never been called upon for any remarks or explanation before receiving your letter. I conclude, therefore, that his decision must have been in my favour. I further enclose a letter received (marked I) from Mr. Pring, the Crown Prosecutor who conducted the cases. This gentleman is, of course, fully acquainted with the history of the arson case from first to last, and was a perfect stranger to me previous to the inquiry.

Apologizing for the length of my remarks,

I remain, &c.,

JOHN E. MANNING.

[Enclosures.]

(A.)

Sydney, 17 December, 1886.

Opinion of the Attorney-General.

Subject: *Re* fire at St. Anne's Parsonage, Ryde.

I THINK the circumstances of this case, deposed to by Constable Harper and Frederick Woodcock, justify an information being laid against Mr. Britten without any further investigation. I must confess my astonishment at the evidence of this constable being withheld at the trial, and desire to be informed whether any explanation can be given on this point. Were the parties conducting the prosecution made aware of the fact that this evidence could be given?

J. WANT,
A.-G.

(B.)

Department of Justice, Sydney.

Minute Paper—Subject: *Re* fire at St. Anne's Parsonage.

I HAVE read the opinion of the Attorney-General in this matter, and am of opinion that a public prosecution should be instituted against Mr. Britten, and in the absence of the Attorney-General I refer the papers to the Crown Solicitor to take immediate steps in the case.

21/12/86.

JAMES GARVAN.

Will the Inspector-General of Police direct an officer of police to lay an information charging the person within-named with arson, and cause the necessary witnesses to be subpoenaed, when I will, as suggested in the Coroner's letter to the Minister for Justice, cause a brief to be delivered to Mr. Roberts to attend and conduct the prosecution.—JOHN WILLIAMS, Crown Solicitor, 22/12/86.

(C.)

Department of Justice, Sydney.

Minute Paper—Subject: *Re* fire at Ryde Parsonage, occupied by Rev. Mr. Britten.

HAVING carefully perused the additional statements and other information obtained at my instance in this case, and having regard to the opinion of my honorable colleague, the Attorney-General, of date 17th December last, in which I concur, I do not feel justified in further delaying such action on the part of the police, as the evidence may seem to warrant, in the interests of justice. The papers should therefore be returned to the Crown Solicitor for this purpose.

17th January, 1887.

JAMES GARVAN.

(D.)

Copy of Attorney-General Foster's Minute *re* prosecution in Ryde arson case.

I CAN see no reason for differing from the opinion of Mr. Attorney-General Want that this case should be proceeded in by information against Mr. Britten. I think the delay which has taken place may be calculated to frustrate the ends of justice, and I trust that no further delay will take place.

31/1/87.

W.F.,
A.G.

(E.)

John E. Manning, Esq., J.P.,
Coroner for the Police District of Ryde.—

Sir,

In reference to the inquest lately held by you, as to the origin of the fire at St. Anne's Parsonage, we, the jury-men, feel bound to state that no Coroner could have conducted the inquiry more impartially than you did.

We remain, Sir,

Yours obediently,

S. Small, foreman,
A. Collingridge,
William H. Walker,
Charles Krust,
James Gordon,
J. W. Norris,

Alfred Hare,
Frank Heard,
A. J. Ellis,
Andrew Short,
Alfred Best.

Memo.—The twelfth juryman, Simpson, states that he is of the same opinion as his brother juryman, but declines to sign any document for "reasons of his own." This juryman resides close to the residence of Mr. Frank Farnell, M.L.A.—J.E.M.

(F.)

(F.)

John E. Manning, Esq., J.P., Coroner for Ryde—

We, the undersigned, residents of the Ryde district, desire to express our entire confidence in you as a magistrate, and as the coroner for the Ryde district, and we entirely dissent from the resolution passed at the meeting held at St. Anne's Hall recently. During the many years that you have occupied a seat on the Ryde Bench we have had confidence in your strict impartiality, and in the able administration of your duties as a magistrate.

W. Owen, Q.C., Hunter's Hill,
J. Dobbie, Hunter's Hill,
F. E. Jeanneret, Hunter's Hill,
F. Cullen, Hunter's Hill,
W. Woods, Gladesville,
M. Le Gay Brereton, Gladesville,
W. H. Hancock, Peat's Ferry,
J. Everingham, Peat's Ferry,
F. A. Wright, Putney,
M. Duffy, Hornsby,
Thos. Berry, Hornsby,

John Bennett, Ryde,
J. Darvall, Ryde,
E. Howard, Ryde,
Henry Moses, J.P., Ryde,
M. L. Blaxland, Ryde,
J. Docker, Ryde,
A. Collingridge, Ryde,
C. H. Bishop, Ryde,
C. E. Moulton, North Ryde,
J. Allen, North Ryde,
M. Jacobs, North Ryde.

and about 350 residents in the district.

The original is too bulky to enclose, but can be produced on the shortest notice.—J.E.M.

(G.)

John E. Manning, Esq., J.P., Licensing Magistrate and Coroner, Ryde,—

Dear Sir,

We, the undersigned, magistrates associated with you in the administration of justice, desire to convey to you our perfect confidence in you as a brother magistrate, and our entire belief in your impartial administration of your duties as a magistrate and as the coroner for the district.

We remain, &c.,

Henry Moses, J.P.,
J. Camden Goodin, J.P.,
Hayley C. D'Ardier, J.P.,
Geo. Wickham, J.P.,

C. E. Jeanneret, J.P.,
John R. Linsley, J.P.,
Neil Stewart, J.P.

(H.)

John E. Manning, Esq., Chairman of the Ryde Licensing Bench, and Coroner for the Police District of Ryde,—

Sir,

We the undersigned solicitors, practising before you at the Ryde and Parramatta Police Courts, wish to express our confidence in your impartiality, and in the able performance of your duties as a magistrate.

We remain, &c.,

Geo. Wallace, sol., 129, King-street,
Henry Levien, Phillip-street,
Fredk. Gannon, Federal Chambers,
Chas. Davis, Temple Court,
Thos. Williamson, Temple Court,
W. C. Proctor, King-street,
J. M. Curtis, sol., 161, Phillip-street,
Sidney J. Bull, Temple Court, King-street,

Sydney Dargin, Phillip-street,
J. G. Bowden, sol., Parramatta,
Charles Bull, sol., Barristers' Court,
J. A. Richardson, sol., Parramatta,
T. M. Slattery, 129, Elizabeth-street,
Jno. M'Laughlin, 118, Pitt-street,
H. Banks Smith, sol., 62, Hunter-street.

(I.)

My dear Mr. Manning,

Wentworth Court, 7 April, 1887.

I have received your letter of 2nd instant, in which you ask me to state my opinion of your conduct in reference to the recent arson case at Ryde. It seems to me that you have been very unjustly abused in the matter. I think that when fresh evidence came to light after the inquest it was your duty as coroner and magistrate to bring that evidence under the cognizance of the Government, and if in doing so you overstepped the bounds of prudence, as I think you in a measure did, it is not, I think, fair or just that you should be called to account for such a slight error of judgment on your part.

During the whole of the long inquiry before the Magistrates, I can remember no suggestion being made that you acted the inquest otherwise than most impartially; but some people appear to be shocked that a magistrate should in any way assist in the detection of crime, and to think that his duties are limited to adorning the Bench. I for one do not give my assent to such a proposition, for I think it would be well if magistrates generally paid more attention to the commission which appoint them.

I am, &c.,

ROBERT D. PRING.

J. E. Manning, Esq., Ryde.

(J.)

EXTRACTS from a speech of Mr. F. Farnell's at Ryde recently, as taken down by Mr. Cunningham, shorthand writer to the Supreme Court.

"WHETHER my action will be acceptable to the majority of the people of Ryde, I care not."

"In the first place he (Mr. Manning) overstepped his duty as coroner, in fact I do not think he ever knew his duty, and in his capacity as magistrate he is thoroughly incapable of adjudicating on the Bench. I am glad to inform you that this state of affairs will not exist very long, because I have taken such steps that there will be a due investigation of his conduct, and that he will be called upon to resign his position as coroner."

"I have written to the Minister for Justice that the depositions may be produced for his approval, and I have given him my opinion on the proceedings. I intend to give them more before I have done. When I am in the House, and under the protection of privilege, I will be able to divulge what I have in my heart, but which I cannot say now."

"I was going to ask the Colonial Secretary a question as to his position as a magistrate, but I thought it would be best to speak to him quietly. Sir H. Parkes said his attention had been drawn in a certain way, and he had watched 'that man's' conduct in connection with the case and he would not forget it."

"I am sure the outcome of it will be that Mr. Manning will be asked to resign his commission of the peace, and if not he will be dismissed."

"Mr. Manning was allowed to go outside and poison the minds of the witnesses. (A voice, 'But he did not do so.') Anyhow he tried to do so. He tried to poison the minds of the witnesses." "I have a few notes, but they are for another occasion—they go back twenty years, and show some treachery."

Mr. F. C. Jarrett to The Minister of Justice.

Sir,

229, Sussex-street, Sydney, 28 March, 1887.

I have the honor, on behalf of the committee appointed at the public meeting at Ryde, to forward for your perusal the resolution passed at that meeting and published in the *Sydney Morning Herald* on 17th instant, and to ask your special attention to the papers also enclosed, including Statutory declarations by the Rev. H. H. Britten and Mrs. Britten, which evidence, of course, could not be procured at the Police Court inquiry, or at the trial, but which are now available to confirm the testimony of other witnesses who directly contradicted Mr. Manning at the Police Court. I would also point out the fact, that upon other important points Mr. Manning was directly contradicted by two or more witnesses, notably as to his conversations with me in the train on 8th December, at which Mr. John Bennett, J.P., of Brush Farm House, and Mr. Charles Davis, solicitor, of Temple Court, were both present; and also that Mr. Pring, at the Police Court at Ryde, said the prosecution would not rely upon Mr. Manning's evidence, and at the trial it was altogether discarded. Mr. J. S. Farnell, the presiding magistrate at Ryde, also referred in severe terms to Mr. Manning's evidently unfriendly feeling towards the Rev. H. H. Britten, and that his evidence was unworthy of belief.

We are constrained to urge upon your notice the most serious aspect which the case assumes, and to ask whether it does not warrant you in going much further than to call for Mr. Manning's resignation as coroner and magistrate, for if witnesses, especially those holding such important positions in the community, can with impunity give false testimony, "the peace and safety of the inhabitants" are indeed seriously imperilled.

In the event of your deeming it expedient to hold an inquiry into the circumstances I shall be happy to furnish you with further information, which will prove to you that since these public expressions of opinion a petition in favour of Mr. Manning has been sent round for signature among the inhabitants of Ryde and district, and that even the navvies at Peat's Ferry have been induced to sign it by corrupt practices, practices, to say the least of them, so undignified as to disgrace the high office which they purport to support.

I also enclose denial of Mr. Manning's assertion, signed by seven of the jurymen who were present at the public meeting, and all twelve of whom were prepared to deny upon their oath the assertions made in Mr. Manning's letter to you and in his correspondence with the *Cumberland Mercury*, also enclosed, and acknowledged by him in his evidence at the Ryde Police Court.

I am also satisfied that the residents of the district of Ryde, the greater number of whom are in comparatively humble circumstances, are afraid to openly express their avowed disapprobation of Mr. Manning's conduct, and not a few acknowledge having signed his petition under fear of his disfavour in the event of their refusing.

That you will promptly act so as to terminate such an abominable state of affairs I am quite sure, and have the honor to subscribe myself,

Yours, &c.,

F. C. JARRETT.

[Enclosures.]

REPORT of the proceeding of a meeting of the residents of Ryde, held on the 16th March, extracted from *Sydney Morning Herald*, of 17th March, 1887.

MEETING OF THE RESIDENTS OF RYDE.

A PUBLIC meeting was held at St. Anne's Hall, Ryde, last evening, for the purpose of "taking into consideration the conduct of Mr. John E. Manning, while acting as coroner and magistrate, and deciding what course to pursue with reference to the same for the best interests of the district and the peace and safety of the inhabitants." The chair was occupied by the Mayor (Mr. W. Jackson), and there was a large attendance of the residents of the district. Upon the proceedings being opened, Alderman Lovell asked the chairman for the names of those who had signed the requisition by which the meeting had been convened. The chairman named a few of these gentlemen, and then called upon Mr. F. C. Jarrett to address the assemblage. Mr. Jarrett intimated that it was necessary that some steps should be taken in the direction pointed out in the requisition in order that the fair fame of Ryde should not be tarnished. After criticising Mr. Manning's actions in connection with the recent investigations relating to the cause of the fire at St. Anne's Parsonage, he moved:—"That this meeting views with the utmost alarm the conduct of Mr. John E. Manning in the recent discharge of the duties of coroner and magistrate, as in his evidence at the police court he said that he was in possession of evidence procured in conversations with the Rev. H. H. Britten and his wife before the inquest was held, but he nevertheless presided at the inquest and gave no notice to the proper authorities that it would be better to appoint another coroner and let him be called to give evidence; that in his capacity as coroner and magistrate he published statements in the *Cumberland Mercury* newspaper calculated to excite the public mind against the incumbent, such statements being falsified as to the opinion held by the jurymen that the incumbent was the incendiary; that the same paragraph reflected offensively upon the Government for not having taken further steps in the case; that in his correspondence with the Minister for Justice he asserted "that it was known to him that the jury at the inquest were nearly returning a verdict against the incumbent, Mr. Britten," which was also absolutely false; that, after being prevented from adjudicating on the case at the police court by being subpoenaed as a Crown witness, he asked the Clerk of Petty Sessions to write to Mr. D'Ardier requesting him to sit upon the case; and that Mr. Pope (the clerk) having declined to do this, Mr. Manning asked him himself; that Mr. D'Ardier thereupon wrote, stating that he would sit; that, in every material point, Mr. Manning in cross examination, had to admit the unreliability of his evidence in chief, or was directly contradicted by most respectable witnesses; and that it is a notorious fact, well known to this meeting, that Mr. Manning has, for several years, entertained feelings of the most hostile character to the Rev. H. H. Britten; that by Mr. Manning's own admissions in cross examination, he was once committed to take his trial for perjury, which, viewed in the light of his recent actions, and the unreliability of his statements, letters, and evidence calls for the most careful consideration of the Government as to whether he should not be at once removed from the Commission of the Peace and his office as coroner." The motion was seconded by Mr. W. J. Whitfield, and supported by Mr. A. Adams. On being put to the meeting it was carried with but nine dissentients."

EXTRACT from *Cumberland Mercury*, 11 December, 1886, acknowledged by Mr. Manning, at Police Court enquiry, to be written by him.

RYDE.

(From a Correspondent.)

* * * * *
 PARSONAGE FIRE.—This is still the subject of much excitement in the village, and very unpleasant remarks are made at the Government not causing further steps to be taken. The jury found that the premises were wilfully set on fire in seven different places, and, singular to say, there was evidence at that very time in the hands of the police of two further fires. Had this evidence been produced, certain members of the jury openly say that they should have named the culprit, and found a distinct verdict of arson. It is currently reported that the Insurance Company do not intend to pay the claim made on them.

I, HENRY HAM BRITTEN, of Ryde, near Sydney, Clerk in Holy Orders, do solemnly and sincerely declare that the conversations alleged by Mr. Manning in his evidence at the Police Court inquiry at Ryde to have taken place between himself and me at the time of the fire at the Parsonage, Ryde—and again, subsequently on the night of the fire—and again, on the Saturday morning after the fire, are untrue, in all points tending to impute the origin or the knowledge of the origin of the fire to me. No such conversations took place as he alleges in his said evidence,—a few words only passed between us. Mrs. Britten made no such statements as the said Mr. Manning alleges on the night of the fire, and again on the following Saturday. Mr. Manning did not enter the Parsonage on that Saturday. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of Her present Majesty, intituled “An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.”

Made and signed before me at Sydney, this 28th day of March, 1887,—

HENRY H. BRITTEN.

WILLIAM RUSSELL, Junior, Notary Public, Sydney.

I, MARY BRITTEN, of Ryde, do solemnly and sincerely declare that the following statements of Mr. Manning, given in his evidence at the Ryde Police Court, are absolutely untrue :—(1) That “Mrs. Britten said that when Mr. Britten called her, she would not get up for some time, because Mr. Britten was always calling at night, saying the place was on fire. She said she did not know what had been the matter with Mr. Britten lately, his head had been so bad.” (2) That “Mrs. Britten said, ‘I did nothing of the sort—meaning, upsetting the kerosene. You are much more likely to have done it when you were spurring the oil about with a garden syringe.’” Mr. Britten did not accompany me when leaving the parsonage on the morning of the fire with Mr. Manning, and when Mr. Manning asserts that statement, No. 1 was made. Mr. Manning did not enter the parsonage on the day on which he asserts that statement No. 2 was made. And I make this solemn declaration, conscientiously believing the same to be true, and in virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled “An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.”

Made and signed before me, at Ryde, this 15th day of March, 1887,—

MARY BRITTEN.

HENRY MOSES, J.P.

Ryde, 16 March, 1887.

WE the undersigned Jurymen at the inquest on the recent fire at the Church of England Parsonage, being aware from the published correspondence between Mr. Manning and the Minister for Justice, that Mr. Manning states as follows :—

“It is however known to me that the jury at the inquest were nearly returning a verdict against the incumbent, Mr. Britten,” and that he acknowledged in evidence that he had written for the *Cumberland Mercury*, the following paragraph :—“Had this evidence been produced certain members of the jury openly say that they should have named the culprit and found a distinct verdict of arson,” give by this means an unqualified denial to the assertions.

SAMUEL SMALL, Foreman of jury.

JAMES GORDON.

A. J. ELLIS.

G. SIMPSON.

ALFRED HARE.

WILLIAM H. WALKER.

JOHN WILLIAM NORRIS.

Frank Farnell, Esq., M.P., to The Minister of Justice.

Sir,

Legislative Assembly, Sydney, 28 March, 1887.

I have the honor to direct your attention to the conduct of Mr. Manning, coroner for the Ryde district, in connection with the proceedings instituted against the Rev. H. H. Britten, when charged with arson, and of which crime he was acquitted without the jury asking for any evidence for the defence, clearly showing that there was no foundation on which to accuse that gentleman. Mr. Manning's conduct, from the time when the fire was discovered, is clear to any person, and shows very clearly that his actions were those of a man who bore malice and spite to the rev. gentleman. More than this, he busied himself in trying to poison the minds of disinterested persons, and on many occasions said that “he believed Mr. Britten set fire to the parsonage,” and also boasted, I am informed, of having secured Mr. D'Ardier's services on the Bench, so as to gain Mr. Britten's committal. In the evidence in the case you will see that he has been contradicted by three or four witnesses, any one of whose words I would take before that of Mr. Manning. I know, to my own personal knowledge, that Mr. Manning had a grudge against Mr. Britten; and when he said he would leave no stone unturned in order to gain his committal, it ought to be sufficient to show he was intending to be vindictive and malignant. Mr. Manning has openly boasted since the acquittal that, although he did not get Mr. Britten sent to gaol, he has the satisfaction of knowing it cost him a few hundred pounds to get out of the trouble. I maintain that Mr. Manning is totally unfit to act any further as Coroner, and is thoroughly incompetent to act as such, or in any other capacity. It is the opinion of the people of Ryde that he should be instantly dismissed; I hope, therefore, that you will be good enough to take this man's conduct into account, and decide on the course that will be approved of by the people, and prevent any more malicious prosecutions being based on the malignity and spitefulness shown to any man by Mr. Manning.

I have, &c.,

FRANK FARNELL.

Let me have the depositions to peruse in the charge of arson preferred against Mr. Britten.—W.C., 30/3/87.

F. C. Jarrett, Esq., to The Minister of Justice.

Sir,

229, Sussex-street, 30 March, 1887.

I have the honor to request that, in considering my letter to you of 28th instant, with reference to Mr. Manning's conduct, you will give also due weight to the suggestions contained in the two letters enclosed, which I have this day received from Mr. W. Russell, solicitor.

I have, however, no doubt that you would, in any case, give the matter the most thorough investigation.

I have, &c.,

F. C. JARRETT.

[Enclosure.]

— Jarrett, Esq.,—

Dear Sir,

359, George-street, 30 March, 1887.

I enclose a letter from Mr. Roberts in reference to Mr. Manning's evidence.

We have not a full copy of Mr. Manning's evidence further than is contained in the *Daily Telegraph*. It would cost a good deal to get the full copy of what was taken down by the Clerk of Petty Sessions.

It is very satisfactory that sympathy is being fully expressed towards Mr. and Mrs. Britten, after their severe ordeal.

Yours faithfully,

W. RUSSELL.

[Sub-Enclosure.]

[Sub-Enclosure.]

My dear Russell,

165, York-street, 25 March, 1887.

I presume the Rev. Mr. Britten sent in the letter to the Minister for Justice, in reference to Mr. Manning's conduct in asking D'Ardier to sit in the arson case, and the circumstances under which the latter presided, &c. I observe Manning's action in the matter has been noticed in the Assembly, and that it is likely to occupy the attention of the Minister for Justice, who, perhaps, had better be asked by Mr. Britten to peruse the whole of the depositions taken at Ryde Police Court, with all correspondence attached, without which he could not possibly be in possession of all the facts in relation to Manning's conduct. I merely make these suggestions for your consideration.

W. Russell, Esq.

Yours, &c.,
WM. ROBERTS.

Minute of The Minister of Justice.

Subject :—Ryde arson case, and conduct of Coroner (Mr. J. E. Manning) in connection therewith.

I HAVE perused the whole of the depositions in this case. It appears that a fire broke out in the Church of England Parsonage on the 10th November last, and about 200 persons were present at the conflagration. Among those present was Mr. J. E. Manning, coroner for the district, and a Justice of the Peace. Several conversations took place between Mr. Manning and Mr. Britten on the night of the fire, and Mr. Manning took care to impress Mr. Britten that he believed he (Mr. Britten) had set fire to the parsonage.

Notwithstanding that he held this prejudiced opinion, I find that Mr. J. E. Manning presided at the inquest which was held on the fire.

The verdict of the jury was an open one. Subsequently Mr. Manning opened up correspondence with the Department of Justice, in which he stated that the jury "had discovered most important evidence that ought to have been forthcoming on the occasion (the inquest), and they now say that had this missing evidence been forthcoming they certainly would have returned a verdict against Mr. Britten."

Mr. Manning in his evidence at the Police Court trial admitted writing to the Minister of Justice in this strain and said, "I can't recollect anyone who told me this; I don't know that the jury said so, but I was told so."

Mr. Manning submitted no corroborative evidence at the Police Court trial of this statement. Mr. Manning having set the Department of Justice in motion, Detective Cocking was appointed by the Inspector-General of Police to investigate and make the fullest inquiries regarding the fire. This Detective Cocking did, and it is stated in evidence by Cocking that Mr. Manning expressed his conviction that Mr. Britten set the place on fire. It appears Mr. Manning actively assisted Detective Cocking in the prosecution of Mr. Britten on the charge preferred against him.

Mr. Manning swore that "Mrs. Britten said she would not get out of bed on the night of the fire because Mr. Britten was always calling at night saying the place was on fire."

This sworn evidence of Mr. Manning's was most distinctly disproved at the hearing of the case in the Police Court.

In further evidence of the active measures adopted by Mr. Manning to secure the arrest of Mr. Britten on a charge of arson, he sent (and admitted having sent it) the following paragraph to the *Cumberland Mercury*:—"PARSONAGE FIRE.—This is still the subject of much excitement in the village, and very unpleasant remarks are made at the Government not causing further steps to be taken. The jury found that the premises were wilfully set on fire in seven different places and, singular to say, there was evidence at that very time in the hands of the police of two further fires. Had this evidence been produced, certain members of the jury openly say that they should have named the culprit, and found a distinct verdict of arson." Mr. Manning admitted in evidence the culprit referred to was Mr. Britten, and also admitted that he did not know the jury had made the statement he had caused to be printed, which, in the face of it, is a distinctly published lie. It is not necessary that I should further quote from the evidence taken in this case. Sufficient is given in this minute to show that Mr. Manning was over-anxious to obtain the conviction of Mr. Britten on the charge of setting fire to the parsonage at Ryde, which action resulted in the committal of Mr. Britten by Mr. D'Ardier, J.P. (Mr. Farnell dissenting), and subsequently being found "not guilty" at the last Criminal Sessions held at Darlington. The evidence discloses Mr. Manning's utter unfitness to occupy any longer the position of coroner, from which office he should be immediately removed, but as he also holds the Commission of the Peace I think before any action is taken by me this minute should be sent to the Colonial Secretary for his perusal and advice.

WILLIAM CLARKE, 4/4/87.

The Principal Under Secretary, B.C., 5 April, '87.—A.C.F.

Minute of The Minister of Justice.

Subject :—Mr. J. E. Manning, J.P.—His conduct as a Coroner and J.P.

In my minute which I submitted to you in regard to Mr. Manning I did not in any way question the ability or impartiality of Mr. Manning as a magistrate or that his conduct whilst conducting the inquiry into the cause of the fire at Ryde as coroner was characterized by partiality, but that he prejudged the case by stating on the night of the fire that he believed Mr. Britten was the incendiary, and subsequently wrote an anonymous paragraph, fixing, by implication, the guilt on Mr. Britten.

Mr. Manning does not, in his letter to you of the 19th inst., explain this away; in fact he does not even refer to it. It is in evidence that there existed great soreness of feeling over Church matters between Mr. Manning and Mr. Britten, and that this feeling prevailed to such a large extent with Mr. Manning that he was only too ready to give credence to any statement that was made to the detriment of Mr. Britten. For example, Mr. Manning in calling on Constable Harper to get evidence from him to put Mr. Britten on his trial was an improper proceeding. If Constable Harper had information of the kind it was his duty to wait on the executive head of his department, and probably nothing would have been heard of this evidence if it had not been for Mr. Manning's desire to secure Mr. Britten's conviction.

Re papers: The letter of the juryman at the Coroner's inquest only proves that Mr. Manning conducted the inquiry impartially.

The

The opinions of Mr. Want, Mr. Foster, and Mr. Garvan concur that a *prima facie* case was made out against Mr. Britten, and that he should be put on his trial.

I am pleased to notice that Mr. Manning has the confidence of such a large number of the residents and magistrates in the district in which he lives, but I desire to point out that these letters to Mr. Manning are most pointedly silent in the case of Mr. Britten's, which is now under your consideration. These letters do not in any way refer to Mr. Britten's action in that case, and are consequently only of value as a testimony to the general efficiency of Mr. Manning as a magistrate.

The conclusions I came to on Mr. Manning's conduct as a coroner were based, as you know, on that gentleman's sworn evidence in the arson case, and as I referred the whole matter to you I did not think it necessary that I should call on Mr. Manning for an explanation.

It may be that Mr. Manning's long and continuous services as a magistrate should stand him in good stead for his imprudence in connection with the arson case, and I am not therefore disposed to do other than carry out any recommendation you may make to me in regard to Mr. Manning.

W.C., 29/4/87.

Papers returned.—W.C. For the Colonial Secretary in reference to papers submitted for perusal of Minister of Justice.

J. E. Manning, Esq., J.P., to The Colonial Secretary.

Sir,

Ryde, 2 May, 1887.

Mr. Proctor has forwarded me a copy of a letter addressed by him to Mr. Abbott, in reference to the mistake made by that gentleman in the House on last Friday evening, when he (Mr. Abbott) speaking of Mr. Proctor, stated that "great pressure had been put upon him to sign the petition by Mr. Manning and his son." Mr. Proctor denies that he ever said this, and informs me that he has sent you a copy of his letter to Mr. Abbott.

Will you kindly allow me to correct a misapprehension on Mr. Proctor's part in the letter spoken of. He was never asked twice to sign the document referred to; but I find on inquiry that he was asked by some one at Hunter's Hill to sign the other document for residents in the district, but this was without my knowledge. May I further refer to another point. You spoke of my having acted as Coroner after having made use of certain expressions to Mr. Britten, and I am informed that the Minister for Justice, who has never in any way communicated with me, has the same idea; that he has also stated that I wrote a paragraph to a paper and subsequently presided at the inquest. This is not the case. The paragraph referred to was written a month after the inquest, and the remarks to which you of course refer were made to Mr. Britten the day after the inquest; but even had it been otherwise, the jury and Mr. Britten say that I was most impartial. There is no one who knows the particulars of this case like Mr. Pring, as he saw every circumstance as it arose, and as he is a barrister and was the Crown Prosecutor, I humbly submit that his opinion, unbiassed as it must be, should be conclusive in the matter.

I remain, &c.,

JOHN E. MANNING.

Seen.—H.P., 3/5/87.

Mr. F. C. Jarrett to The Colonial Secretary.

Sir,

Ermington, 3 May, 1887.

By a report of the proceedings of the Legislative Assembly of Friday, April 29th, in the Sydney daily newspapers, published on April 30th, you are made to say with reference to the case of Mr. John Edge Manning, coroner and magistrate at Ryde, that you begrudged the labour necessary, which was out of all proportion to the importance of the matter; but so soon as Mr. Abbott gave the House the information about Mr. Manning's importunities of Mr. Proctor for his signature to the petition, you remarked that you "were exceedingly sorry to hear it," as though that was an important feature of the case, quite new to you.

May I respectfully refer you to my letter of complaint about Mr. Manning's conduct, addressed to the Minister for Justice, in which you will see that I offer to produce evidence of the improper manner in which such signatures have been sought and obtained.

One gentleman holding a Government appointment has informed me that he is prepared to give evidence to the effect that when his signature was solicited he was promised that if he would sign the petition, irresistible influence should be used in official circles in obtaining him an increase of salary of £30 per annum. Ninety of the signatures of the petition are those of navvies at the Hawkesbury River, 24 miles from Ryde, and most of the signatures were obtained over supplies of beer on the "free house" system. I also respectfully point out to you that Mr. C. E. Jeanneret, J.P., a Member of the Legislative Assembly, whom you stated had signed the petition, wired to the chairman of the public meeting at Ryde his cordial sympathy with the Rev. H. H. Britten, and a promise of a subscription to his defence fund. It is, of course, impossible to account for this apparent effort on Mr. Jeanneret's part "to serve both God and Mammon;" but it is certainly important that, should you determine to hold a very necessary inquiry, you should ascertain the facts of Mr. Jeanneret's recent nomination as Licensing Magistrate, for when the Messrs. Terry, Linsley, J. S. Farnell, and other Justices of the Peace in Ryde met in answer to circular invitation for the purpose of nominating Licensing Magistrates they found their duties all done for them—Messrs. Jeanneret and Rodd having been gazetted the day before on Mr. J. E. Manning's representations. Mr. Manning was then severely censured for this affront to the other magistrates by Mr. J. R. Linsley.

I leave it to your great experience to say whether this system of "mutual assistance" between Messrs. Jeanneret and Manning is one worthy of magistrates of the Colony, even if one of them is hard pressed to get respectable signatures to his petition.

I would, however, point out to you that while the jury at the inquest were, as was the Rev. Mr. Britten himself, perfectly satisfied with Mr. Manning's proceedings at the inquest, they one and all disapproved of his subsequent conduct, and that which seems to me the gravest part of all Mr. Manning's behaviour—namely, the strongly contradicted evidence he gave at the police-court inquiry, cannot surely be deemed by you to be a matter not worth most indefatigable labour to make him account, or else suffer for.

I have refrained from giving any portion of the evidence I hold of Mr. Manning's conduct to any Member of the House, for I rely upon justice being done by the Government in this matter without any influence being brought to bear, as I also feel sure you will refuse to allow the boasted influence of Mr. Manning's friends to shield him from the consequences of his most unworthy conduct, both as magistrate and coroner.

I have had an experience of nearly thirty years as a reporter and newspaper publisher, and have never witnessed a case in which there was a more flagrant display of animus than in this Ryde arson case. Mr. Pring may think Mr. Manning "much abused," but may I ask why his evidence for the prosecution was rejected at the Criminal Court if it was not quite apparent to the Minister for Justice that it was prompted by unworthy motives towards the accused, and, as Mr. J. S. Farnell said at the Police Court, unworthy of credence?

During the hearing of the case, and after all the witnesses were ordered out of court, Mr. Manning sat in the porch at the magistrates' entrance, where every word said in the court was audible, and constantly interviewed the witnesses, asking some of them whether they could not give evidence on points from time to time elicited. This conduct was remarked upon by the solicitors for the defence, and spoken of by the magistrates as most indecorous.

The people of the district rely upon your fearless action in this matter, as well as upon your calm consideration of the whole facts, and I again respectfully urge upon your notice its most important bearings.

I have, &c.,

F. C. JARRETT.

DEPOSITIONS.

New South Wales, }
Ryde, to wit. }

THE examination of William Douglas Loughlin, of Sydney, in the Colony of New South Wales, William Henry Mackenzie, of Sydney, Thomas Fisher, of Sydney, John William Norris, of Ryde, David Drysdale Henderson, of Parramatta, and William Thos. Trevitt, and George M. Pope, Constable James Harper, Walter Hibble, Frederick Woodcock, James Cocking, John E. Manning, Sergeant James Beatty, Jessie Burton, William Wallace, and Frederick B. Pope, of Ryde, in the said Colony, taken on Wednesday, this ninth day of February, in the year of our Lord one thousand eight hundred and eighty-seven, at Ryde, 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 Henry Ham Britten, who is charged this day before me, for that he, the said Henry Ham Britten, on the tenth day of November, 1886, at Ryde, in the said Colony, maliciously did set fire to a dwelling-house situate at Ryde, aforesaid (in the possession of him, the said Henry Ham Britten), with intent to defraud.

HALEY C. D'ARDIER, J.P.

THIS deponent, *William Douglas Loughlin*, on oath, states:—I am clerk in the Phoenix Fire Office, Sydney; it is a London Company; Mr. M'Kenzie is the agent for this Colony; I know defendant; I was in employ of Mr. M'Kenzie when he represented the London and Lancashire Company; I produce a proposal for insurance in the London and Lancashire by defendant; the policy issued in this proposal I now produce; the same was issued in August, 1884; I produce a proposal from defendant for insurance in the Phoenix Fire Office; some of the words are in my handwriting, viz., answers to particulars L. and P., and one room wood L. and P., ceilings, the date and address, the rest is in the handwriting of Mr. S. R. Trail; the same is signed by defendant; some time after receipt was issued, Mr. Britten stated that the partitions and ceiling were lath and plaster, and wished me to insert the letters L. and P.; Mr. Britten looked over the Phoenix proposal before he signed it; I produce the policy issued on the proposal; the same is from 29th August, 1886, for a period of twelve months; I remember the fire taking place; Mr. Britten did not see me after the fire about his policy.

By Mr. Roberts: I was previously in the Lancashire Company; Mr. Britten's insurance in the Phoenix Company was the result of a letter from Mr. M'Kenzie, asking to transfer to Phoenix Company; a circular, similar to the one produced, was sent to all policy holders, approved of, and the rate reduced; defendant had been insured for more than two years in Lancashire Company; I notice endorsement on the back of proposal to insure in the Phoenix Company; we do not call it an endorsement, we call it particulars, it is part and parcel of the proposal, and we do it to arrive at a suitable rate for the risk offered; the proposal is headed, Questions to be answered by the agent or surveyor relative to the proposal; the duties of agent or surveyor are to give particulars so as to arrive at a rate that insured may have his property correctly stated; no agent or surveyor was sent in this case; Mr. Trail filled up the particulars in this proposal; the words one hundred yards are in the writing of Mr. Trail, with regard to proposal for Phoenix Company, the insurance having been previously insured; no one was sent to inspect the property; the inducement to insure in the Phoenix was the action taken by Mr. M'Kenzie; if we can repair the damage or replace property less than the estimate at which insured we do so; there is a clause to that effect in the policy which I now read (clause 11); I believe defendant made the declaration required by clause 10 of particulars in policy; I have heard it stated in the office that defendant has commenced an action against this Company for the amount of damage done; with regard to Sydney and suburban property, we generally take the statements of the proposers; I cannot say whether the property insured by defendant was of the value of £700; so far as I know the company did not take the trouble to find out the value of the property or the distances between the places; they generally look at the position or respectability of the proposer in most cases; if the goods or property were replaced, the insurer would not benefit; Mr. Traill is a member of the firm.

By Mr. Pring: When clergymen insure we do not send any surveyor; in this case defendant's word was taken.

WILL. D. LOUGHLIN.

Sworn before me, this 9th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

William

William Henry M'Kenzie, on oath, states:—I am agent for the Phoenix Fire Office, Sydney; I was formerly agent for the London and Lancashire Office; the circular produced is one sent from my office to defendant; I believe the reply produced is the one I received in my office from defendant; I produce a Press copy of my reply to defendant dated 12th August, 1886; the insurance was after effected in the Phoenix Office; I did not see defendant either before or after the fire; I did not send anyone to inspect the furniture before insuring in the Phoenix Office; it is not usual to send any one to inspect in the case of clergymen insuring, except by special request, or unless it is for a large amount; we have refused to pay the amount of insurance in defendant's case; I produce the claim sent in by Mr. Britten after the fire.

By Mr. Roberts: The letters alluded to were written during the currency of policy in London and Lancashire Company; the proposal to insure in Phoenix Office is dated 26th August, 1886; the risk did not commence till 29th August; policy issued on 17th September, 1886; it is a company I represent; the power of attorney for Phoenix Company is registered in the Colony; the way to sue is to sue the Phoenix Company as a company, not by the names of the directors; the company has never been sued by any one, and has never sued anyone; the inquiry made by the defendant in his letter of the 11th August was a very natural one to make under the circumstances; I believe a writ has been issued by the solicitors of defendant (and company has appeared) against the Phoenix Company for the sum of £300; I do not know that there was property in a building not covered by insurance; we have agents and surveyors, whose duties are defined on the printed proposal; in this case there was no agent; it was a direct insurance, Mr. Britten having been insured in the London and Lancashire Company, no inspection was made when he insured in the Phoenix Company; I am aware that the policy gives the option to company to reinstate the property or pay the money; the insurer would not gain anything if his property was replaced, he would get new for old; I do not think I ever saw Mr. Britten before to-day; Mr. Fisher was authorized, on our behalf, to inspect defendant's place after the fire occurred; according to the report all the property insured was not destroyed; the particulars given in Exhibit F are chiefly in Mr. Fisher's writing; the amount of damage is £254 16s., and £43 in some other handwriting; the letter produced marked G is from Cope's office, the solicitor for Phoenix Company; I do not know whether the furniture in defendant's house was new or old; I believe an inquest was held in this Court House on the fire; the writ against the Phoenix Company was not issued until some time this year; I cannot remember whether any inquiry was made by Mr. Britten as to paying in the Colony when he insured in the London and Lancashire Company; I am often asked whether the company will pay in the Colony when persons come to insure.

Sworn before me, this 9th day of February, 1887,—

W. H. MACKENZIE.

HALEY C. D'ARDIER, J.P.

Thomas Fisher, on oath, states:—I am an insurance adjuster for several companies in Sydney, and amongst other for the Phoenix Company; I came up on the 11th November last, and arrived after mid-day at the parsonage; I came to inspect for the Phoenix Office; I inspected the parsonage and grounds; the stable and buggy shed were destroyed, excepting the walls of the stable; one buggy was totally destroyed, the other partially so; some of the furniture of the house was destroyed; the plan produced of parsonage is substantially correct; I see on the same a spare bedroom, marked No. 7; in this room there was a bed and bedding, two or three articles of clothing, and odds and ends destroyed by fire in the drawer of a book case; I examined the remains of the bedding not destroyed; the same was wet with kerosene; I smelt it on my hands after examining the beds; I have no doubt there was kerosene on the bed; Mr. Britten and Sergeant Beatty were present with me; I said there was kerosene on the bed; Mr. Britten said no, it was water, that he could not detect kerosene; we discussed the point for some time, and the sergeant also said there was kerosene; this occurred after the inquest was over, and not the first day I went there; on this same second visit Mr. Britten went over the house with me, and I made a calculation as to the amount of damage done to his effects; on the first occasion I examined the grounds at the end of the bow window; I did not see any balls of canvas or any other kind on the ground; I am quite certain if there had been any I should have seen them; after I went into the house I had some conversation with Mr. Britten; we were remarking about the number of fires; Mr. Britten suggested that the fires had been caused by some one throwing in fire balls; there were the remains of two fires in the pantry—one on a shelf near the window, and one on a dresser on opposite side of room; I did not see any traces of fire balls, but there were the *débris* of some materials that had been burnt; Mr. Britten went with me into the hall; the floor was wet with kerosene; there was a distance of 6 feet near the stairs covered with kerosene about 2 feet wide; it was wet; it had run under the floor cloth; there was kerosene kept in the cupboard under the stairs; I did not examine the oil drum; in the passage there had been a shelf where there had been a lamp; the shelf was broken down and an old lamp lying on the floor; there was kerosene on the floor, and a fire had been there and charred the wood, but had not gone through the partition; Mr. Britten said the fire might have got from the passage to the bed-room; on examination I found that the fire had been on a bed, and not near the partition or even charred the boards; I examined the drawing-room, I found a piano, harmonium, a pier glass, fender, carpet, and other articles; these were destroyed; the inquest on the fire was held on Friday, the 12th November, 1886; after the inquest I went with Sergeant Beatty to the parsonage, and Beatty produced a canvas ball saturated with kerosene, and Mr. Britten said he found it there, about 6 or 8 feet from where the furniture was stacked when I first visited the place; the ball was said to be found on the lawn at the end of drawing-room, about 20 feet from bow window; the stables are about 40 feet from the house; all the items in the claim now produced are in my handwriting, except the last five on the list.

By Mr. Roberts: I did not give evidence at inquest, but I attended it; I believe a reward has been offered by the Government since the inquest; I do not know the amount; I do not know whether the company joined in the reward; I assisted in conducting the inquiry on fire in the interests of the company; I was not at the inquest for to give evidence; I was watching the case in the interests of the company; I calculate the amount of damage done to be £254 16s.; the additions made by defendant being £43 2s., making a total of £297 18s.; I looked at things not burnt excepting those upstairs; there were furnished rooms on ground floor; I estimate the value of the whole of the furniture and books to be worth between £500 and £600; I saw no jewellery; I am alluding to the general effects when I speak of £500 or £600 as the value; I include the buggies in this amount; I excluded the buggies in the amount of claim, as they were in a building not covered by the policy; the fire took place on a Thursday;

I did not make any inspection for valuation until following Monday; I did not know that any kerosene was on the bed when the inquest took place; I examined the witnesses at the inquiry on the fire; the sergeant was examined; neither he nor I spoke then about any kerosene being on the bed; the readiest way of setting fire where there is kerosene is to put a light where the kerosene is; there was no appearance of fire where the kerosene was near the stairs; the defendant stated that the kerosene near the stairs was from the drippings from the oil-drum; defendant seemed excited the first time I visited the parsonage; the oil-drum was one with a tap in it; the lamp in the passage was broken and overturned where the fire lighted the boards.

Police: The buggies were in a wooden building joined to the stable; two sides of the buggy-house were of wood.

THOS. FISHER.

Sworn before me, this 9th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

John William Norris, on oath, states:—I am a storekeeper at Ryde; I know defendant; in September last I sent a 4-gallon tin of kerosene to him; the order came from Mr. Britten's house; it was on the 4th September; I do not know who gave the order; it was paid for by Mr. Britten's cheque in account for other goods; it was ordered in the usual way with other goods.

By Mr. Roberts: I saw the back bed-room on the morning after the fire; things were packed as repairs were going on; the goods were all packed close together; I did not detect any smell of kerosene; I went about 10 a.m.; I did not handle the bed clothes.

JOHN WILLIAM NORRIS.

Sworn before me, this 9th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

David Drysdale Henderson, on oath states:—I am a storekeeper at Parramatta; I know defendant; I remember 6th September last year; I supplied him with some kerosene—a 4-gallon tin—on that day; my traveller went round for the order; the order was not signed by Mr. Britten; the traveller's name is James Walsh; he is still in my employ; I sent the kerosene by my carter; I was paid by cheque in the usual way; I supplied other goods with the kerosene; Mr. Britten has dealt with me for several years; the kerosene was supplied on 6th September or the day afterwards with usual grocery order; the traveller does all my business at Ryde for me; the cheque was paid at end of quarter; a 4-gallon tin, I should think, would last two months; there was an order for another tin, 29th November; if fires are lit with kerosene, the tin would not last two months; no kerosene has been ordered since 29th November last; I have known Mr. Britten for nine or ten years; he is a married man, and of irreproachable character, and highly esteemed; I know that there has been very strong feelings against him at Ryde; I have heard assertions made against defendant; many held him in high opinion, but assertions have been made contrary to that.

By Mr. Roberts: I have heard that there is an ill-feeling existing against defendant; I have heard Mr. J. E. Manning's name mentioned as having an ill-feeling to defendant; I have heard that he has a bitter feeling towards defendant; I still believe myself that defendant is of irreproachable character.

D. D. HENDERSON.

Sworn before me, this 9th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

William Thos. Trevitt, on oath, states:—I am a carpenter and reside at Ryde; I remember when the fire occurred at the parsonage; I was at work there the day before the fire occurred; I was at work in the drawing-room; I was repairing this floor; I left the room at 6 p.m.; when I left, there was no furniture whatever in the room; I left the bow windows fastened; I went out the back way; went to French window and tried to fasten them from the outside, when I found I could not do it; Mrs. Burton, who was in the room, fastened them inside; I then went away; the contract for repairs for parsonage was let to my father; he had to supply paper and everything; when I left, both bow windows and French windows were fastened.

By Mr. Roberts: The windows were fastened on the Tuesday night; they were fastened on the Wednesday night; they were fastened then; the catches showed that the windows had been opened after I left either before or during the fire; there was no conversation while I was at work between defendant and myself, as to friends coming from Melbourne; the paper for the drawing-room and dining-room was brought to the parsonage the day before the fire; I saw that two laths were gone from the ceiling after the fire; I have known defendant's place for nine years; I saw the stains under the stairs; I have noticed them for four or five years; the kerosene was kept there for many years; there is a French light to the drawing-room; I think this light was closed during the fire; the Venetian shutters had not been forced open; they could not have been forced without leaving marks on them; the French window was not fastened that I am aware of; the kerosene stains extend three steps, but I did not see any stains on the floor of the hall; the stains I speak of were on the stairs and the cupboard; the stairs were saturated with oil from the string course, and have been so for four or five years; the stains are the same now as they were some time ago.

W. T. TREVITT.

There was an oil cloth, but I could not see whether there was any oil stains beneath it.

W. T. TREVITT.

Sworn before me, this 9th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

George M. Pope, on oath, states:—I reside at Ryde; I am organist at St. Anne's, Ryde; I remember the fire at the parsonage on the 10th November last; there is a valuable service of Communion plate belonging to St. Anne's; the same was kept at the parsonage; after being used at church Mr. Britten took it back to the parsonage; the service was at the church on the 7th November; there was

was a Communion Service that day, the plate being used on the occasion; I noticed in the evening that the plate had not been removed, it was in the vestry; there was no Communion Service in the evening; I did not see the plate again until the following Friday or Saturday; Harkins informed me it was at the church, and brought it to me; I took charge of it from him, but whether I took it from him at the church or at my gate, I am not certain; I do not recollect the plate ever having been left previously in the church; the plate was presented to St. Anne's by Miss Forster about three or four years since.

By Mr. Roberts: I have referred to Sunday, the 7th November, in my evidence, Archdeacon Greenway was present that morning; he assisted the incumbent in the services, both morning and evening; the Archdeacon left the church with defendant both morning and evening; he may have gone to the parsonage with defendant for all I know; I cannot say whether the defendant might not have left the Communion Service in the church on other occasions; I was at the parsonage about 1.30 on the morning of the fire; I noticed defendant's hand was burnt with, as he stated to me, removing some piece of furniture; I have been in defendant's house on other occasions; I know the room No. 7; I looked in after the fire, but the goods were all so closely packed, I could not see whether the drawer of book-case was shut or not; I find the drawer the fire was in is difficult to open as you cannot open it unless you open both together; the Churchwardens of St. Anne's are Edward Terry, Richard Terry, and George Lovell; both the Messrs. Terry are at present on a visit to Tasmania; I know that there is a great amount of ill-feeling against defendant, and have expressed their opinions for his removal from the district; on the night of the fire I did not detect any smell of kerosene; there is a party in favour of the incumbent, and a party against him.

GEORGE M. POPE.

The congregation of St. Anne's is fairly good, and the offertory nearly as liberal as heretofore.

GEORGE M. POPE.

Sworn before me, this 9th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Case adjourned until the 15th day of February instant, at 10.30 a.m.

*George M. Pope, on oath, states:—*I was acquainted with the previous incumbents, Mr. Turner and Mr. Southby; I know the place referred to under the stairs where the kerosene was kept; I saw the appearance after the fire of kerosene stains on the floor and staircase; it had the same appearance as it had ten or fifteen years ago; the oil had dripped from time to time.

GEORGE M. POPE.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

*John William Norris, on oath, states:—*I have supplied kerosene during last year to defendant; I have referred to my books; I supplied one 4-gallon tin of oil on 20th May last; one on the 12th June; that is less than a month; one on 10th July; one 9th August; and one tin on the 4th September, to defendant's premises; the entries are all in my books; it was before September; Mrs. Britten complained about the oil; in September I sent the same kind of oil again; I cannot say how long a 4-gallon tin would last a house like Mr. Britten's; the clergyman officiating during Mr. Britten's absence in England had oil from me of the same kind; I cannot tell how often he ordered a 4-gallon tin.

JOHN WILLIAM NORRIS.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

*Jessie Burton, on oath, states:—*I am a married woman; I have one child 5 years old; I was in the employ of Rev. Mr. Britten in November last year; I remember the night of the fire; I went to bed that night at 10 o'clock; my bed-room is upstairs; I and my child were the only persons upstairs that night; I locked the pantry up before I went to bed; I fastened the windows also, as usual; it is a sash window; the sashes overlay a little; the top sash is a fixture; the window was fastened with a stick between the top of window and bottom sash; no one could put their hand in to remove the stick without breaking the glass; the stick is easily shaken down if you shake the window; after locking the pantry I took the key and went to put it in the passage, but I found the door bolted and then I went to the other door in the hall by the stairs; I put the key on foot of the stairs and locked the back door, as usual; I then went upstairs to my bed-room; this was about five minutes after 10; I went to bed about 11 or a little after, and went to sleep soon; the next thing I heard was Mr. Britten calling; he told me to put on a few things and come down as quick as I could that the house was on fire; I took my child and went downstairs; I took the child to the back out by the door at foot of the stairs; the door was open; I then went and brought two of my boxes down; when I went for my boxes there was a little smoke upstairs; it appeared to come from the room opposite mine; the room was a lumber room with a man-hole opening out on the ceiling of drawing-room; I went back to top of stairs to get more clothes, but found the smoke so thick I could not do it; I came downstairs and went in the pantry; I found the key where I left it the previous night, on foot of stairs; I opened the pantry; I did not observe the window; I saw two fires in the pantry, one on a small shelf on right hand side of door, and the other on a dresser opposite the door, about 10 feet from the window; I went to the pantry to get a sewing machine, and I brought it out; there was no fire in pantry when I locked it up; I did not hear anybody walking about either inside or outside the place either before or after I went to bed; I remember Trevitt being at work on the Wednesday afternoon when he went away; I fastened the Venetian shutters, but did not fasten the French window; I did not notice if the bow windows were fastened; there was no furniture whatever in the drawing-room at that time; I did not go into the drawing-room again that evening; I did not assist to remove any furniture into the drawing-room; the only other people in the house that night were Mr. and Mrs. Britten and their son, aged 12 years; a dog was kept on the premises; the dog was not chained

chained up that night to my knowledge; he was usually loose both day and night; the dog was very sick a week or ten days before the fire; the dog was not right again till some time after the fire; on the Wednesday the dog was walking about and lying about; at the time of the fire the dog seemed to have lost the use of his legs, but was able to walk about; I have seen Mr. Britten syringing the outhouse with kerosene, to kill insects; he was doing so on the Saturday before the fire; when I came down the stairs I saw Mr. Britten; he was walking towards the front door.

By Mr. Roberts: It was the water-closet that Mr. Britten syringed with kerosene; it was used under the seat; the sand flies were very troublesome, and the kerosene was used to destroy them; on the Sunday week before the fire the dog got sick and got worse towards the time of the fire; I spoke to Mrs. Britten about the dog being sick; I could not account for his being sick; the kerosene was used in the closet at back of the pantry; when Mr. Britten woke me it was about half-past 12; he had a white shirt on, dark trousers, and boots; he was very much excited when I came down; Mrs. Britten was carrying out a drawer, and was only partly dressed; she was much excited; the pantry window was loose, and if shaken the stick which fastened it would fall down; I was in the habit of putting the key of pantry in passage near pantry, and I have found the door in passage locked on previous occasions; there was no difference in the kerosene stains on stairs to what there was when I first went to live with Mrs. Britten; I cannot say whether I awoke at the first call Mr. Britten gave or not; I sleep sound; I have no idea how the building was set on fire; I did not see the defendant or any member of his family set fire to any portion of the premises; while the house was on fire, Mrs. Britten carried out the oil-drum, as she said the fire might catch it; on the morning after the fire I saw that the oil drum had been taken inside and stood on some small mattresses that had been taken from the room that had been on fire the previous night; I did not detect any smell of kerosene in the bed-room before the fire; the kerosene under stairs stood on a box; it had a tap to it; there was only the usual stains of kerosene on the stairs when I got up on the night of the fire; I do not know whether the wall between the stairs and the bedroom is a brick wall or not; it was plastered; on the morning after the fire I saw the pantry window; it was then open; the stick was keeping it up; I know the spare bed-room where the fire was; I know the drawer in the book-case; there had been a fire in this drawer; there was a difficulty in opening the drawer burnt, and on this account it was left open; the kerosene used in the house was about one tin, four gallons, or more in a month; Mrs. Britten always ordered the oil and goods from the stores; Mrs. Britten said one tin was not very good, and she would have to order another; Mrs. Britten left on a Monday for Parramatta; amongst other things a tin of kerosene came from Parramatta; I sometimes gave the orders; I received the goods when they were brought by Henderson's man; defendant never gave an order or received the goods; all the furniture had been removed from the drawing-room to allow of repairs being made; it was removed to the dining-room; the carpenter had nearly finished the drawing-room when he left on the Wednesday evening; the carpenter told me he was coming in to the dining-room the next morning to make repairs; it is oil cloth in the dining-room; it was necessary to remove the things from the dining-room into the drawing-room before the repairs could be done; I think I told Mr. or Mrs. Britten that the carpenter was coming in the morning to the dining-room; I know that all the kerosene was used in ordinary way for domestic purposes; I gave evidence at inquest on the fire; the day after the fire I saw a roll of paper; Mr. Britten said the day before that they were going to Sydney to choose the paper; I have seen the Communion service; it was kept in a cupboard in Mrs. Britten's room; I know what furniture there was in the house; it was in good order; all the rooms were well furnished; I look at exhibit No. 1; it contains a list of the things in the house at the time of the fire; the goods therein named were then in the house; the valuation is not made by me; when I came downstairs the front and back doors of the hall were both open; if any one got in the drawing-room they could go all over the house; I did not see defendant go up the stairs at all between my first coming downstairs or at any other time that night; defendant and his wife lived happily together whilst I lived with them; there are five sons and one daughter; I have never seen anything strange in the demeanour of the defendant or his wife; I went up to my room again with Constable Phillips after the fire was put out; I have looked in the loft over drawing-room; there is an opening where a man could enter; just inside is a lot of cocoanut fibre and other inflammable materials; the fibre, if a match had been placed to it, would have immediately set fire to the roof; I know the defendant was examined at the inquest on the fire; I do not think Mrs. Britten or any member of the family were examined.

By Mr. Pring: There were sandflies about the back yard; I do not think there were any in the house; shaking the window where the stick was would make a noise, but it would not wake me up; the window in the pantry opens for about a foot when opened to fullest extent; it might be more than a foot; there was a large mangle right in front of the window on the night of the fire directly between the window and where the fire was; I have seen Mr. Fisher; I remember the day after the inquest, when he was there at the parsonage; it was on Thursday morning; I saw the oil-drum on the bedding; this bedding was taken outside; it was not put back in bed-room; sometimes two lamps were burning and sometimes four up to 10 at night; for the bed-rooms, candles were used, also in kitchen; it was either the end of September or beginning of October when Mrs. Britten went to Parramatta; when the oil came from Henderson's the carter put it in the harness room at end of stable; it was taken away before the fire and put in the drum; I cannot say positively whether this tin was removed from the harness room; I have been in the stable; one of the sons has never been at parsonage since I have been there; two sons and the daughter are away at school; one son is in business in Sydney, and comes home occasionally; all the furniture is old, no new furniture has been brought to the house since I have been there.

By Mr. Roberts: Mr. Terry tried to shake the stick from pantry, and it fell easily without making much noise; sometimes when putting it up of an evening it has fallen down, and I have had to put it up again; the old bedding was taken out on the grass, some in front and some at end; some of the other bedding was taken to Sydney; I think it was since Mr. Fisher was there; I believe it was made up and brought back; I have known defendant and wife to be up at 11 at night when I have gone to bed; there was new furniture brought into the spare bed-room before the fire—a chair, wash-stand, and dressing table; to the best of my belief and recollection the tin of oil in harness-room was placed in oil-drum for use; I could not say that Mrs. Britten did not go to Parramatta the first week in September; I do not recollect what part of the month she went in.

By Mr. Pring: I do not remember seeing the tin of kerosene after it was placed in the harness-room; I told the man to put it there.

By

By the Bench: The pantry window has three panes wide and two high; I saw fire in pantry; I saw a fire in the bed-room when I came down stairs; I also saw a fire at the stable; I saw they were putting out a fire in the drawing-room; the next person I saw after seeing Mr. Britten at the time of fire was Mr. Young; it was not Mr. Hibble; I did not see him till after the fire was put out.

JESSIE BURTON.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

William Wallace, on oath, states:—I am a baker living at Ryde; I live about little more than 100 yards from parsonage; I remember the fire there last November; I was just starting to work; I saw flames coming out of the buggy-house; it was about 12:30; I went to the shed; the doors were shut, fastened with a chain outside put over a bar inside; I am not sure whether it was locked or fastened with a piece of wood; I broke open the doors; I then saw a buggy at back all on fire; the fire was all inside and round the buggy; I pulled it out when it was blazing; nothing else but the buggy was in the shed; I then heard the house was on fire; I left the buggy and went to the house; I saw a fire in spare bed-room and in the drawing-room; I went to drawing-room by verandah to put out fire; I know the Venetian shutters; they were closed; I broke them open; they were French windows; they were shut and fastened; I broke these open; then I saw a fire burning at the piano and harmonium; it was burning very fiercely; I think there must have been something to have made it flare up so; some inflammable substance; the heat was so great that when I broke open the windows all the glass fell to pieces; I went out by the French windows again because the heat and smoke were so great; I then went and carried water to put out the fire; I went to the bow-windows with it; the glass of windows were all smashed, but the windows were fastened; I am certain of that, for I tried them all; I saw some man break the windows with a stick; I do not know who; I helped to put the fire out, and then I went away; the flames spread all over the ceiling; such a body of flame could not have been produced by the furniture only.

By Mr. Roberts: I swear the body of flame was not produced by the furniture only, but I will not swear what contributed to the flames; I did not damage the shutters by breaking their open; if Trevitt has said that the bow-windows were open during the fire it must be a mistake; if the catchers were thrown back during the fire it would show the windows were open; when I went the room was on fire; I tried to push up the windows; I could not put my finger under them; I tried outside; there is only about half an inch of wood; I tried about two minutes; I gave evidence at inquest; I had no conversation with defendant; I am in the employ of Mr. Locke nearly opposite parsonage; I recollect Mrs. Locke asking me on night of fire just afterwards to see who a man was lying down in parsonage paddock and what he wanted; he was about 100 yards from the fire; I saw a man when I approached walking away; I went to the fence; the man went to the fence, and got over into the road; no one has spoken to me since the inquest about the fire; I do not know how long the man was in the parsonage grounds.

By Mr. Pring: There were a great many people at the fire that night; the man may have been helping at the fire for all I know; I have seen bills offering a reward for information about the fire; I know £125 is offered; I do not expect to get any of it.

W. WALLACE.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Frederick Bensa Pope, on oath, states:—I am a clerk in Bank of New South Wales, Sydney; I live at Ryde; I live 150 yards from parsonage; I remember the fire there last November; I was asleep at the time; I was awoke by the cry of fire; I got up and went to the parsonage; I went into the hall; I saw a fire in the spare bedroom; I helped to put it out; I afterwards saw a fire in the drawing-room; I found a kerosene tin about 5 or 6 yards from the bow-window on the lawn; I was going to use the tin for carrying water; I picked it up and found about two or three quarts of kerosene oil in it; I thought it was water, but some falling on my hands I found it was kerosene; it was a kind of bucket; it had no handle; the top of the tin was cut off; I put it down and ran for a bucket; I have not seen the tin since; the part of the bow-window nearest kitchen and centre window were shut, but I did not see the third part of window nearest the front; I am certain these two windows were shut, because I threw water through the broken glass in window nearest the kitchen; and when I came back with more water some one was breaking the centre window; I did not take notice whether kerosene had been thrown on the goods in drawing-room; I did not detect the smell of kerosene; I would not swear that kerosene had been used in connection with fire in drawing-room; I don't know how or when the tin I found was placed on lawn; it was from 18 to 20 feet from the drawing-room; I did not see anyone place it there; the tin was on the grass on the lawn.

By Mr. Pring: The piano and harmonium were flaring up; I detected a smell in the drawing-room and all about the place, but I will not swear it was kerosene; it may have been the bedding; it was a peculiar smell; it looked as if there was something to make it burn; some inflammable thing; the piano appeared to be all on fire; the flames went up to ceiling.

By Mr. Roberts: I don't think the peculiar smell was from horsehair; it might have been blankets; I can speak with no certainty on the matter, or what produced the large flames.

FRED. B. POPE.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Walter Hibble, on oath, states: I am a clerk at W. S. Friend & Co's.; I reside at Ryde, and did so in November last year; I remember the night of the fire at the parsonage; I got home to Ryde by 'bus by lower road about 12:25; the lower road is about 400 or 500 yards from parsonage; I got out of the 'bus with Mr. Adams; I and Adams walked towards the parsonage; I saw smoke when within 300 yards of parsonage coming through the trees in front of parsonage; I smelt the fire; I went towards the parsonage; I went in the slip-rail at back of parsonage, before reaching the parsonage I saw fire coming from

from under the eaves of the stable in the front; I went on to the stable by myself to the front; the stable was fully alight; there was a strong fire inside; it was a shingled roof; I did not notice if the door was open or not; I saw no fire in buggy-shed; I called out to Mr. Adams to look out no horses were in stable whilst I awoke the inmates of the house; I then went to the front verandah of house—through gate shown on plan; when I got to verandah I saw Mrs. Britten in the passage, and Mr. Britten, and the lad behind him; the lad was Mr. Britten's son; Mr. Britten had on trousers and cricketing shoes, and no coat or waistcoat; I do not know whether Mrs. Britten was sufficiently dressed; I said to Mr. Britten, "Do you know your stable is on fire?" he said, "Yes, and so is my house too;" I do not think they were carrying anything out; I saw some few tin boxes on verandah, but nothing out on the grass; I said to Mr. Britten, "Are there inmates in the house?" I attempted to go upstairs; Mr. Britten said, "We are all safe thank you;" I asked had he given the alarm, one of the three said, "No not yet;" during this conversation I was in the hall; I saw smoke coming out of spare bed-room; a large quantity; it was so thick it drove me back; I said I had better run away, and get assistance at once; I know where the study is; there was a light in it, but I saw no one in it; I ran off to give the alarm, before I did so, I saw Mr. Britten walk along the verandah to the study with a tin japanned box; I cannot say whether he went in the study; as I went away from front room I saw the reflection of a fire on side fence, and went to the bow-window of drawing-room; I looked in; I saw a flame coming apparently between two articles of furniture placed back to back; the window I looked in was not open; I ran off to give the alarm; the garden gate was shut and fastened; it was caught tightly; I had to tug at it to open it; I went back to parsonage, and five or ten minutes afterwards Mrs. Britten said, "And there is a fire in front of house too;" Mr. Locke was there with me; the bow-windows were broken open about five minutes after I returned; I found the French door open and went to them to throw water on the fire; I threw water on the fire; the heat was so great that we went to the bow-windows; one of the bow-windows was open, apparently pushed up; the others were broken open; no one was in the room then; when I first saw Mr. Britten that night he appeared to be perfectly collected; he was not in the state I should be in if I was in the same position; I should not say he was excited; I casually looked in Mr. Britten's bed-room; I saw no smoke there; it was a clear moonlight night—full moon; I cannot say whether Mr. Britten sent anyone to give an alarm; I went away when the fire was got under; Mr. Britten did not help to put out the fire; he was carrying things out.

By Mr. Roberts: I cannot say whether Mr. Britten was cool or not; I do not know his general demeanour; a man may be excited without showing it; defendant was carrying out drawers from chests of drawers; I was there till the fire was got under; about half an hour elapsed before the fire was put out; I do not know how the Venetian shutters were opened; Mrs. Britten was very much excited; there is nothing within my knowledge to show the origin of the fire; I think it was the centre of the bow-windows that was open; I smelt no kerosene at all that night on any portion of the premises.

By Mr. Pring: I know Wallace, the baker; he was not at the bow-window when I first went to it.

WALTER HIBBLE.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Jessie Burton:—I have spoken of a passage which does not now exist; there was a small lamp burning in it when I went to put the key of the pantry there the night of the fire, and when I went to bed; this passage was between spare bed-room.

JESSIE BURTON.

Sworn before me, this 15th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Case adjourned to the 16th instant, at 10'30 a.m.

James Beatty, on oath, states:—I am sergeant of Police, stationed at Ryde; I remember the fire at parsonage in November last; I was writing when I heard of the fire, and went to the parsonage by the back, about 12'20 on the 11th November; I saw the stable on fire; I did not then notice the buggy-shed; I saw the fire was in the back part of stable; I went round to front of stable; I saved what I could out of stable; afterwards seeing people carrying water, I went to the house, and first went to drawing-room; I saw in the middle of floor a piano, harmonium, and the frame of a large pier-glass, standing together; they were together almost destroyed by fire; I saw a side-board outside on the verandah; I examined it, it was very much damaged by fire, especially inside; I should say fire originated in inside of side-board; there was no fire when I went in drawing-room, it was extinguished; the ceiling was intact, but very much blackened; the bow-windows were broken, and were up when I went in; the French window was broken by heat of fire; I examined floor where piano and harmonium were standing, it was charred; there was no communication between this fire and the other fires in the house; I went to the lobby after leaving drawing-room; the lobby was separated from spare bed-room by a wood partition, now removed; I saw marks of fire on the partition, on lobby side, which went up the boards about 2 feet; there was no mark of fire on the floor; there was no connection between this fire and the one in drawing-room; this fire had also been put out; when in the lobby Mr. Britten came in; he said that the fire in lobby might have been caused by the lamp being upset; there had been a shelf, but had been knocked down; there was a small lamp lying on floor upset; I next went into spare bed-room, Mr. Britten was with me; there was no door or means of communication between spare bed-room and lobby; there was only one door in spare bed-room which opened into hall; I know Mr. Britten's bed-room; the door is almost opposite door of spare bed-room; I saw a bed in spare bed-room, opposite the door, the head of bed was towards the wooden partition, and foot towards door and against the wall furthest away from window; there had been a heavy fire on the bed; straw, palliasses, blankets, and other articles were lying outside the door; the fire had been put out; there had not been fire in any other part of this room, except on the bed; I went forward to book-case, found it very hot on side nearest to bed; I said to Mr. Britten, "It is fortunate your library or books are not destroyed;" he said, "Yes, there has been water all over them;" the books were a little damp; the case stood on a chiffonier, with two drawers and cupboards

cupboards underneath ; I took out the left-hand drawer near the bed ; I found it was all right ; the chiffonier was at that time uninjured ; I shut the drawer up tight, then I left the spare room ; the next place I visited was the pantry ; on a shelf to the right of the door I found some ashes, the remains of a fire on a dish ; I produce the said ashes so found ; the paper was burnt off shelf, and shelf slightly discoloured ; on a dresser, having shelves opposite the door at back of pantry, I found more ashes, the remains of a fire and bagging materials, produced ; the paper covering was also burnt, as far back as the crockery would allow ; the shelf immediately over this shelf was charred ; these fires were out ; there was no connection between these fires and the two I have previously given evidence about ; I observed the window of the pantry, it was down, and fastened by a piece of wood between the top of window and bottom sash, to the left as you look at the window from the inside ; I saw a small aperture in one of the squares of glass about 2 inches wide, large enough to admit of a man's hand being put in, but not his arm past the wrist ; I saw a mangle immediately in front of window, close up to it ; I made no further inspection then ; I remained on the premises with Constable Harper until 4 a.m. ; defendant accompanied me in almost every case up to 4 a.m. ; once or twice defendant left me, and went, I think, into the study ; about 3 a.m., on going in spare bed-room with defendant and Constable Harper, there was a quantity of smoke in the room, and seeing where it came from, I went to an arm-chair, it stood close to the bed ; I saw a cushion on the chair ; I lifted it, and found it was on fire beneath where resting on bottom of chair ; I passed it to Constable Harper, and he took it outside ; defendant was present, and took hold of it ; when Mr. Britten left me once or twice, but for a short time, he had a candle ; I am sure that the statement signed by me was read over by me after Detective Cocking read it to me.

By Mr. Roberts : Having read half a dozen lines in the said statement, I now say that Mr. Britten was going all over the house, sometimes with a candle in his hand, before I left, by himself ; I left Constable Harper in charge at 4 a.m. ; then there were only Constable Harper and defendant on the premises ; I heard Mr. Manning ask Mrs. Britten and the boy to go to his place ; I believe Mrs. Britten went to Mr. Manning's ; the servant went to a friend's place close by ; after I found the cushion on fire I went again to spare bed-room ; before I left everything was all right then ; there was no appearance of fire or smoke there or on the premises when I left at 4 o'clock ; I returned at 10 a.m. to parsonage in company with Mr. Fisher and Constable Harper ; we inspected the premises ; we went into the attic over the drawing-room, and found the remains of a small fire, about 14 or 15 feet from the man-hole ; we found some charred shingles, dry leaves, twigs, and small pieces of wood, now produced ; the remains of fire were on the lath and plaster ; I left the remains of fire until the Coroner's Jury had viewed it ; I then took charge of it on the 12th November last ; between this fire and the others I have spoken of there was no communication ; I noticed a hole in ceiling of drawing-room ; this hole was not there when I left at 4 o'clock ; the laths in this hole were broken off ; I gathered the laths from the floor below, and I now produce ; I did not see any broken laths in the attic ; the hole in ceiling was 2 or 3 feet from remains of fire ; I went to parsonage on 16th November with Detective Clough ; I heard him say to Mr. Britten, when we were over the ceiling of drawing-room, "What were you doing with the candle up here, Mr. Britten ?" Mr. Britten replied, "Mrs. Britten could not think of sleeping unless I went all over the house again ;" Mrs. Britten had left before 4 o'clock ; on the 11th November I examined the stairs, where the kerosene is kept ; Mr. Fisher was with me ; I found oil-cloth on the floor of the hall ; and on removing the same I found a strong smell of kerosene oil ; the floor was stained about 18 inches by 5 or 6 feet in length ; I did not notice any kerosene on top of oil-cloth ; there was water on it ; I do not think the oil which stained the boards soaked from the drain ; I saw the stains on the stairs ; the stains on the boards were distinct from those on the stairs ; I noticed yesterday that the stains on the stairs were not nearly as high up as on the night of the fire ; the stains were clearer and fresher than they were yesterday ; on the 13th November, I got a message from Mr. Britten, by one of his sons, in consequence of which I went to the parsonage ; I saw defendant standing on the lawn, opposite the bow-windows of drawing-room ; there was a side-board standing about 12 feet from the window, and about 6 feet from the side-board ; further away from window defendant pointed out two fire-balls lying on the grass, and said, "Look at this, sergeant ;" I said "They were not there when the Jury and Coroner and police viewed the premises yesterday morning, nor on the night of the fire ;" I said to defendant, "I am positive about that ;" defendant said, "What do you mean to infer by that, sergeant ?" I said, "It is not for me to say now, Mr. Britten ;" I said I would go and get the Coroner (Mr. Manning) to see them ; I went to Mr. Manning's, and he accompanied me back ; I left the balls on the ground in the same place when I went away for Mr. Manning ; I now produce the balls ; I made an examination of the balls both before and after I went for Mr. Manning ; the balls were saturated with kerosene oil ; the ground and grass was also saturated with oil ; I drove a chisel in ground for 3 or 4 inches, and found that the soil smelt of kerosene to that depth ; my impression is the kerosene was poured on the balls as they laid on that spot, and must have been used plentifully ; on the Saturday morning, the grass where the balls were lying was a darker colour than the rest of it ; about ten or twelve days afterwards I saw the grass was dead ; I was on the lawn several times the night of the fire, and on the morning after the fire, with Mr. Fisher ; I accompanied the Coroner's Jury of twelve to the parsonage ; the Jury went on the lawn and examined the side-board, which was then on the lawn in the same position as it was on the following Saturday ; I did not see any balls on the lawn on that occasion ; if the balls had been there on any of the occasions I have spoken of it would be impossible for me not to have seen them, they were so plain lying on the grass.

By Mr. Roberts : I have given my impression as to some fires ; the impressions I have given are against the defendant ; I am not aware that any of my impressions are in his favour, in respect to matter charged against him ; I referred to Coroner's Jury in my evidence ; I gave evidence shortly ; I was not prevented at the Coroner's inquest from giving my evidence fully ; I gave it then as fully as I thought it was necessary as a sergeant of Police Force ; I suggested one or two matters to Coroner, but he said, never mind that ; the defendant gave evidence at the inquest on oath ; all the witnesses at inquiry were on oath ; the verdict of the Jury was, or I believe it was : We find that the St. Anne's Parsonage and stable connected therewith, were wilfully set on fire, we further find that the said premises were set on fire by some person or persons to the Jury unknown ; "Wallace gave evidence at Coroner's Jury, and some who have been examined at present proceedings also gave evidence, viz., Burton, Trevitt, and Hibble, also Wallace ; the Jury viewed premises with me ; they viewed all parts of premises ; I was in Court when defendant gave evidence before Coroner ; to best of my recollection one of the Jury asked defendant whether he went over the drawing-room on the morning of the fire ; I do not recollect defendant saying, I went

to

to see whether the fire had penetrated through the ceiling; he said his foot slipped off the joists and went through the ceiling, causing him to fall and drop the candle; I do not recollect defendant saying that he then went downstairs; I have been up over the ceiling; it so happened that I put my foot through quite accidentally; I missed the ceiling joists; it was day time; it was dark in day time there, and it was dark when the candle is out; I have not mentioned these things before; I left you to find them out, and Mr. Pring did not examine me about them; my foot going through the ceiling is not in my statement to Detective Cocking, although I mentioned it to Mr. Cocking; I have a pretty fair recollection of all matters; I have perhaps, sworn in the witness box to-day that I told Cocking, referring to this matter, that my foot went off the joists through the ceiling; I do not recollect whether I said that Cocking omitted to take my statement about the ceiling; Cocking was present when my foot went through; although Cocking and I knew my foot went through the ceiling, it was not mentioned in my statement, but I told Cocking of it; I will not swear that any statement was made that we would not put that down; my impression is that this statement would be favourable to defendant; I do not recollect stating that defendant, after the candle went out, came downstairs and lit another; nor that defendant said he saw smoke at back through the shingles; or that he went upstairs afterwards to see if there was a fire or not; I recollect defendant saying that he took a jug of water to put a small fire out, but cannot say that he did not say there was a little rubbish smouldering, caused evidently by his accident, and took a jug of water to put it out; I did not put out any fire myself up over the ceiling; the *débris* I now produce was from the fire over the ceiling; I have been through the man-hole in attic frequently; I went up immediately after fire, and looked through the man-hole; there was cocoanut fibre and inflammable material there; there was enough of fibre to fill a bed; on this morning of fire it was not burnt in any way; it would have been the easiest way to fire the place by lighting the fibre; the fibre was about 4 or 5 feet from man-hole on the left side as you enter; the roof was close to it in parts; the fibre was in bulk, it was not scattered about; the building is, I believe, fifty years old; none of the ceiling joists were scorched or smoked; the fire must have been a small one; nothing was burnt except the remains I have produced; the fire must have been of very short duration; the rafters are a long way off the joists; the defendant gave other evidence at inquest beyond what has been referred to, partly in explanation of matters connected with fire; the fire was from 2 to 3 feet from hole in ceiling on one side of the man-hole; I noticed the stains on stairs the night of fire; I only noticed it slightly then; I did not notice the thickness of wall between cupboard and spare bed-room; I had never been through the house before the night of fire; I do not know what stains of kerosene were on stairs before the fire; the kerosene under oil-cloth appeared to have been done recently; there was no oil on floor-cloth; I could not positively swear but what the stains may not be the result of leakage for several months and years; what I call fire-balls is canvas saturated with kerosene; they were pointed out to me on the 12th November; when I went with Mr. Fisher it was to examine what portions of house and furniture were burnt; I did not search for any rags with kerosene on them at this time; I don't know who placed them there or how they came there; the defendant's house is surrounded by trees and shrubs, particularly the drawing-room; I did not notice that the fire in spare bed-room had penetrated through the ceiling; I won't say the smoke did not escape; I did not observe any hole in it; it was very black; the man-hole is about over the spare bed-room; I noticed marks of kerosene on the ends of steps upstairs; defendant did not say he had any previous knowledge of the fire-balls when he sent for me; the attention of Jury on their visit was directed to the house and furniture; they were on the very spot of ground where the fire-balls were found; the spare room was pretty full of furniture, but you could move about easily near the bed; it was 3 a.m. when I found the arm-chair on fire; I cannot say whether the cushion in it had been turned over or not; my impression is it was stuffed with straw, but it might be feathers; Mr. Manning first directed my attention to the pantry; defendant was present; I won't swear defendant was not the first who pointed out the fire in the pantry; this was about an hour after the fire; I cannot fix the time; I think it was before Mr. Manning took Mrs. Britten away; there had been a fire in the pantry, but there was none when my attention was drawn to it; my opinion is that this fire burnt itself out; no one put it out; the fire was about 5 feet from window in pantry; a man could not reach to it from window; the mangle was a portable one; I did not observe whether it was on castors; the window, when open, was about 15 inches, and 2 feet wide; a man could get through without difficulty; it would be impossible for a man to move the mangle from outside of window; the mangle was almost all across the window; between the mangle and the shelf there is a space of 4 feet, and 6 to 8 or 10 inches between end of mangle and end of window-frame; if the mangle was on castors it might be moved by a man from outside; if so, a man could then enter from outside; the window was tried in my presence, and the stick did not fall out; I won't swear that Mr. E. Terry placed the stick and that it fell down; Mr. Manning was Coroner; at the first part of inquest I had the conduct of it, and I collected the evidence; Mr. Fisher afterwards conducted the latter portion in my presence; I gave Mr. Fisher a list of the names; I knew Constable Harper could give evidence; he said what he could give; some of it; he mentioned it; he did not say he knew any more than he told me; he was not called, but I kept him until the inquest was over, also four other witnesses not called; I did not hear on the night of the fire that a man was in the paddock in parsonage before and after the fire; I heard that some men were about that night in women's apparel, but don't think I heard it from defendant; I did not hear that the two men run and escaped when pursued; I sent two of the police and several others that same night to ascertain; I am one of defendant's parishoners; there has been ill-feeling towards him for the last six months in some quarters, and some have expressed a wish for his removal; this subject was discussed at a meeting at which the Bishop presided; this meeting was about a fortnight after the fire; the Bishop took an interest in the matter; I left before meeting was concluded; I don't know that a vote of sympathy was passed; Messrs. Edward and Richard Terry were present at the meeting; since the meeting a reward has been offered—the Government £25 and the Insurance Company £100; the inquest was held 12th November, and summons in this case 2nd February instant; I saw Wallace when I served him with a *subpœna*; I did not take him to detective Cocking; I know Cocking has been round taking evidence from witnesses; I saw Cocking speaking to Constable Harper; Wallace lives at Locke's, the baker; I think Cocking asked me where Wallace lived; I don't know Wallace's hand-writing; Cocking has been up several times; Wallace's residence is only about 300 yards from the Court; I first noticed the water on the books about 2 o'clock on morning of the fire; people could move about easily in spare bed-room near bed, but not in any other part; the other portion of room was packed; you would have a difficulty in moving about.

By

By Mr. Pring : You could easily get to the bookcase ; the leaves, shingles, and twigs, were heaped together as if done intentionally ; at the inquest I was ready to give full evidence as to what happened to that date, but the Coroner stopped me two or three times ; once when I was about to state what property I had saved, and I am not clear about any other occasion ; the Jury viewed the premises before the inquest, about between 3 and 5 o'clock ; I think it was about 5 when the evidence was commenced ; the inquest lasted till 12:15 that night ; it was about four or five weeks after the fire I went in company with Detectives Cocking and Clough ; Mr. Britten and Mr. Richard Terry went to the attic ; I went to point out the position, and one of the other four had a candle ; I was the last to enter ; I was behind the others, the candle was consequently of no use to me ; I was in the dark, and it is to this that I attribute my foot going through the ceiling ; I could not see where I was going ; my foot slipped off the joists and went through the ceiling ; I am 13 stone in weight ; the mangle was close to the window, same position as I found it yesterday morning ; I don't know why Mr. Fisher did not call Harper or the other four witnesses ; I was asked by the Coroner whether there were any more witnesses ; I said yes, several more witnesses outside the Court ; then the Coroner asked the Jury if they required any more evidence ; the foreman, Mr. Samuel Small, said he thought the evidence already given was sufficient ; he said that after consulting the Jury ; the Coroner then summed up and the Jury shortly afterwards gave the verdict as stated previously by me ; the ill-feeling towards the defendant is by a few of his parishioners ; the ill-feeling is their desire to get defendant out of the parish, and owing to their dissatisfaction with him as a minister ; Mr. Britten complained to me on the night of the fire that he had lost his watch and £20 in cash ; he afterwards told me he recovered his watch ; I have heard nothing about the money since.

By Mr. Roberts : None of defendant's family were examined at the inquest ; defendant alone gave evidence in matters relating to the fire, and in explanation ; I have heard that the following persons have expressed a desire for defendant's removal from the district :—Mrs. Darvall, Mr. French, Mr. John E. Manning.

By the Bench : The ashes of fire in pantry are less than one ounce each ; these are the whole of the ashes I collected.

JAMES BEATTY.

Sworn before me, this 16th day of February, 1887,—

HALEY D'ARDIER, J.P.

Case further adjourned to the 17th instant.

James Edward Harper, on oath, states :—I am a constable in Police Force stationed at Ryde ; I remember the fire at parsonage on the night of 10th and morning of 11th November ; I reached there about a quarter to 1 a.m. ; I first went to the stable, from the stable I went to the house ; I went through the rooms, I went first in spare bed-room ; I found fire on bed and in drawing-room, pantry, and lobby ; there was no connection between any of the fires ; I saw that the window of pantry was secure, there was a stick between top and bottom sash ; when I got there all the fires had been put out, between 3 and half-past 3 ; I went in spare bed-room with the sergeant and Mr. Britten ; the upper side of cushion was on fire ; there was a woman's cloud rolled round the cushion ; Sergeant Beatty shortly after left me in charge ; there were then only myself and Mr. Britten at the parsonage ; Mr. Britten remained with me for a short time ; he then said he was going to bed ; he said, " You can have a sleep too " ; I was sitting on a case between stable and parsonage ; he said, " I will give you something to sleep on, and you can go to sleep here " ; he brought me (I think) it was a calico tent ; I told him I was left in charge and could not go to sleep, and I did not go to sleep ; Mr. Britten went into the house, he did not go to bed ; I know that, because I saw him walking through the different rooms with a lighted candle ; he went first in his own bed-room and after that through the other rooms ; I watched Mr. Britten from the front hall door going through the different rooms ; I entered the house myself by the front hall door, and proceeded to the spare bed-room where the fire had been previously extinguished ; before I got to the door, which was half-open, I saw smoke coming through the door from the spare bed-room ; I went into the room ; I saw flames issuing from the drawer of the bookcase ; I believe there was only one drawer ; the drawer was open about 4 inches ; there was no fire in the room at that time except in that drawer ; I rushed out by the front door to get some water ; I met Mr. Britten not far from the front hall door coming towards me ; I said there was a fire in the bed-room ; I think I said in the book case ; we went back together to the room ; he said, " dear me, it must have arisen from the heat of the previous fire " ; I and Mr. Britten were both at door of bed-room when he said that ; I rushed out and brought in two buckets of water ; I left them at door of bed-room ; Mr. Britten was in the hall ; he saw me put those buckets down ; I then ran out and got two more buckets of water ; when I returned with the other two buckets, Mr. Britten was, I believe, still in the hall, and the first two buckets were full of water where I had left them ; I threw the four buckets of water on the fire ; Mr. Britten did not assist me in any way ; he was present when I threw the water on the fire ; I have previously stated I saw Mr. Britten going about with a lighted candle ; I saw him go twice, I believe certainly once, in the spare bed-room before I discovered the fire ; he went into the spare bed-room about five minutes before I discovered the fire ; the wood-work of drawer was charred by the fire ; it was about 4:30 when I discovered the fire ; I lifted up the window to let the smoke out, and took some things out of the drawer ; after that I examined the rest of the house and found it was all right ; I then went outside ; it was then breaking day ; at that time no one but Mr. Britten and myself were on the premises ; I remember a man named Fred. Woodcock coming about a quarter or half-past 5 ; James Gascoyne was with him, they joined me ; I showed Woodcock round outside the premises ; Gascoyne went, I believe, towards the stable ; I saw nothing more of him at that time ; I saw him a quarter of an hour after when I went up stairs ; I and Woodcock were looking through the bow-window ; it was about twenty minutes or a quarter to 6 ; we heard a noise over the ceiling of drawing-room, like some one knocking with something hard against the ceiling ; I heard three or four distinct knocks following each other quickly ; then we saw a man's foot come through the ceiling, almost a foot of his leg came through ; the foot was drawn up and came or was forced through again, alongside of the first hole there was only one hole made ; the foot was drawn up again as before ; I believe the foot came through the third time, but am not sure ; we then saw a man's hand put down through the hole that had just been made, and pulled the laths off from underneath the joists ; I believe

believe the laths were pulled up ; I thought I heard matches strike ; I saw the reflection of the light ; it was after the hand came down I saw the reflection of the light ; I and Woodcock went through the front hall door, and went up stairs ; after I got up stairs I saw Gascoigne ; I went into the attic, and half-way through the man-hole ; I there saw Mr. Britten about 3 or 4 yards from the man-hole coming towards the man-hole on the joists, in a stooping position ; Mr. Britten spoke first, he said, " Get me a jug of water, I believe there is a fire over here ; " I got some from the servants' room on the opposite side ; I handed it to him through the man-hole ; he took it towards where the hole in the ceiling was, and sprinkled the water on the fire with his hand ; I saw the fire, there was a small flame ; after sprinkling the water Mr. Britten was coming towards the man-hole, and I asked him if he was sure he had put the fire out ; he replied, " I believe I have ; " he then came out by the man-hole ; he had no candlestick in his hand at any time when I saw him above the ceiling ; I have not seen the fire-balls now produced before ; I did not see these or any like them on the lawn on the morning of the fire ; I was on the lawn that morning frequently ; if the balls had been lying on the lawn I don't think I could have missed seeing them ; the grass is short ; that morning when I was at the parsonage, and before the people had dispersed, I heard from Sergeant Beatty that there was a report that two men had been seen on the road dressed in women's clothes, and I was sent to see if there were any persons of that kind, but could not find any ; there were a great many other people searching for them.

By Mr. Roberts: I told defendant that I was not going to sleep ; I was left in charge, and I did not go to sleep ; Mr. Britten left me sitting on the case ; I walked round the premises some time afterwards ; the front hall door was not locked whilst I was there ; I believe the back door was open ; I was not present at any fire in the house except that in the drawer and above ceiling ; I was present at the burning of the stable ; I have stated that I think there was only one drawer ; I will not say there were not two drawers ; the drawer alluded to was opened and closed by Sergeant Beatty, about quarter past 3 ; I don't know who afterwards opened it ; I swear the fire in the drawer did not arise from the heat of previous fire ; there were not two buckets of water in the hall previous to my entering the hall ; I examined the fire in the drawer ; I took out a blanket ; I don't know whether it is inflammable ; it was an ordinary sized blanket ; I believe there was a book in the drawer ; I took it out ; it was greatly charred ; there were several other things but I cannot describe them ; I had been to a dinner that night ; I had no drink ; if Mr. Britten states there was no blanket there, and that I did not take it out, I won't say he made a mistake ; a good bit of the blanket was burnt ; the corner of it was burnt ; I unfolded the blanket ; I don't produce the blanket ; there were holes burnt in it ; I did not think it was my duty to retain possession of it or the books either ; the drawer was about 5 inches deep and 2 feet 10 inches wide ; Gascoigne and Woodcock did not see the blanket ; one pint of water would not have put out the fire ; it took four buckets to put out the fire ; I do not produce any ashes or *debris* from the drawer ; I was in spare bed-room before this fire ; about 4 o'clock ; I don't know what time the fire had been previously extinguished ; I cannot say that there was any article of an inflammable nature in the drawer ; I did not ascertain that there were two drawers ; if any one states that two buckets of water were left in hall in case of fire, it is not correct ; I saw a flame in the drawer about 2 feet high ; I dare say there was about an ounce of charred remains ; I don't produce any ; I cannot say the flames were under the blanket ; I took notice of bookcase ; I believe the books were scorched ; I did not examine the books ; I won't swear the books were scorched ; I did not draw Sergeant Beatty's attention to the blanket or bookcase ; I had an opportunity of taking the blanket and things from drawer but did not do so ; I examined the place to see it was all right ; I did not examine the drawer when I went out ; I don't know whether it was open or not there could not have been a fire in the drawer smouldering for any length ; I had been up near the drawer ; I looked at the bookcase ; I believe the glass doors were closed ; I did not try to open the drawer ; I don't know that you must open the two drawers ; I won't swear there were glass doors, I am not swearing a lie when I say the books were burnt ; although I cannot say there was a glass door ; I did not give evidence before the Coroner since the inquest ; a reward has been offered by the Government and by Insurance Company ; I was not in Court during the inquest ; I was in the precincts of Court ; I was in Court at close of inquest ; I mentioned to the sergeant what had occurred at parsonage that morning ; I did not go into defendant's bed-room that morning at all, things had been taken out and taken back after the fire ; I don't know whether defendant had an opportunity of going to bed under these circumstances ; the fire on ceiling was a very small fire, it was easily extinguished by the defendant ; I did not examine the fire on the ceiling until Friday ; I did not see the ceiling joists charred in any way by fire, nor any traces of fire between the joists ; the laths on top of ceiling had traces of a small fire ; defendant was the only person who pointed out this to me ; I got water when asked by defendant, and he put the fire out ; defendant had not a chamber in his hand going in direction of fire when I got upstairs myself ; Woodcock and Gascoigne met near the stable and parsonage for about two minutes ; I won't swear that defendant was not there with us, and in our company for a quarter of an hour ; I had no conversation with defendant about his foot going through ceiling, was that he would have a better opportunity of explaining it in giving his evidence at the inquiry ; I did not tell him what I observed ; no one spoke to him of it to my knowledge ; I produce laths found on the floor of drawing-room, there is no trace of fire on them nor on laths just where foot came through ceiling, but immediately alongside there is trace of the small fire alluded to by me ; the parsonage is an old building, shingled roof ; I saw a little quantity of cocoa fibre on the morning in question on the right, and might have some on left, near the man-hole ; if the fibre had been placed near the rafters and fired it would have soon set the place on fire ; any person going up in the attic would not necessarily see the fire on ceiling, because it was on right hand side and 15 feet from it ; I did not ask defendant anything about fire on ceiling, it may have been the result of an accident ; I did not go to examine if it was put out ; I have not seen the fire-balls (produced) until this morning ; they might have been in the shrubs, but they were not on lawn ; I did not search for anything of the kind ; I have heard Sergeant Beatty say that he had put his foot through the ceiling ; I never spoke to defendant about his foot going through the ceiling ; I mentioned all this to Sergeant Beatty on the morning of the fire ; I have been seen by detective Cocking about a month ago ; I have had no conversation with Wallace about this matter ; I have not seen him with Cocking ; I have had conversation with Mr. Manning since the inquest at his house a few days after the inquiry ; I was there for half an hour ; he asked me what occurred at parsonage on morning of fire ; I had a second conversation for about a quarter of an hour with Mr. Manning ; he asked me what I knew ; he did not ask questions, nor did he tell me it was under consideration of the Government about opening the inquiry ; I don't recollect whether I made a statutory declaration to

Mr.

Mr. Manning ; I recollect now, I signed a declaration which he prepared ; whether I made a declaration I cannot say ; Mr. Manning wrote the matter out at my dictation ; Mr. Manning said the case might be reopened ; I can't recollect whether Mr. Manning asked me, or whether I volunteered to make the declaration ; I know there is a printed document offering a reward ; whether there was a written one I am not aware ; I have not heard that a man was seen in parsonage paddock night of fire ; Sergeant Beatty told me about the two men in woman's clothes ; how any of the fires originated I cannot say ; I did not see defendant on night of fire with any torches or anything in his hand ; I did not see Mrs. Britten about whilst I was there ; the whole place was in disorder in consequence of the fire ; I have heard it spoken of that there is an ill-feeling towards defendant ; I heard this before the fire ; to any thing when he went in ; I did not notice any hole in the ceiling of spare bed-room ; I did not hear any match struck when defendant went in spare room, neither did I hear any drawer opened or shut ; I only saw the light of the candle ; no one saw defendant enter spare bed-room but myself ; if defendant says he never entered the bed-room after Beatty left, it is not correct.

By Bench : I was left in charge to look after the place and watch Mr. Britten ; Woodcock and Gascoigne have no right to be on the premises, they came to look at the fire ; I asked Woodcock to come in with me when I went upstairs.

J. HARPER.

Sworn before me, this 17th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Frederick Woodcock, on oath, states :—I am a fruit-grower at Ryde ; I remember the morning of the fire at parsonage, in November last ; I and Thomas Gascoigne went to parsonage between five and six in the morning, we heard of the fire and went to see it ; we saw Constable Harper and defendant between stable and back gate, they were looking at a buggy ; I, and Constable Harper, Gascoigne, and defendant went towards house ; defendant left before we got to house, the rest of us went on to the front of the house ; I was at the bow-window with Constable Harper ; I can't say Gascoigne was there with us ; we were looking through bow-window ; we heard some knocking on the ceiling of drawing-room, two or three knocks ; they were not very quick ; after the knocks, a foot came through, the foot was pulled up and came down through again in the same spot ; the foot knocked down some plaster the first time, but can't say that it did the second time ; the second time the foot came through, the hole was made a little larger ; the laths were broken, twisted down from the ceiling, they were partly broken, but not disconnected from the ceiling ; after the foot was drawn up on the second occasion, a hand came down the hole and pulled up the laths ; I and Constable Harper went round the front way ; we went in the hall and upstairs ; we went to the man-hole in attic ; I did not look through the man-hole ; Constable Harper did ; Mr. Britten, as we were coming through the hall, said, "Harper, I think there is a spark up here, fetch some water ;" we ran upstairs, and Harper looked in the man-hole, and just as he did Mr. Britten came out and said, "Get us some water ;" defendant had a chamber in his hand as he came out of the man-hole ; both defendant and Harper then went into a room and got water ; Mr. Britten got water in a basin ; Constable Harper did not get any water that I saw ; I did not see Harper with a jug of water, but Mr. Britten had a jug of water ; I cannot remember that I said Constable Harper got a jug of water ; my memory last December was about the same as it is now ; I do not think the statement made to Detective Cocking, if I saw it, would refresh my memory ; no one has spoken to me about this case since I made the statement to Detective Cocking ; I know Sergeant Beatty ; I told Constable Phillips that I could not be here at half-past 10 to-day ; he did not say he would take a warrant out for me ; neither did Sergeant Beatty tell me that he would take a warrant out ; I am subpoenaed in this case ; a man I now identify before the Court asked me into Mr. Jordan's hotel to tell him what I knew about the case, the same as Detective Cocking did ; I think I told him pretty nearly the same as I told Cocking ; the gentleman did not ask me any questions, but put down what I told him ; this was about a month ago ; Jordan has never spoken to me about the case, nor any one else ; the gentleman I identify did not tell me his name ; it was about a month ago I made a statement to him ; I made a statutory declaration before Mr. Manning soon after the fire ; the signature I see is mine ; I do not think if I looked at the declaration it would refresh my memory ; I cannot read the writing exhibited to me ; I didn't know the gentleman I identify to be Mr. Britten's brother.

By Mr. Roberts : The gentleman and I met at Jordan's Hotel ; he said to me, "I want you to make a truthful statement of what you know about the fire ;" I told him in effect what I had sworn to to-day ; I am certain Harper brought no water ; defendant put the fire out ; I did not see any fire upstairs on ceiling when the foot came through ; I did not hear any matches struck ; I did not hear Mr. Britten say he had thrown water on the fire and wanted more ; if Mr. Britten had not mentioned it I should not have known there was any fire there ; I and Harper, Gascoigne, and defendant were at the stable together ; it was within three or four minutes after Mr. Britten left that we went upstairs ; he would not have had much time to light a fire or put it out in that time.

By the Bench : The foot that came through had a boot on ; I do not think the hand was put through to help or extricate the foot.

By Mr. Pring : The foot was pulled up before the hand came through.

By Mr. Pring : Mr. Manning is Justice of the Peace and Coroner ; I know that Mr. Manning was not aware until after the inquest of the nature of the evidence I was prepared to give at the inquest ; there was no communication between the fire in the ceiling and the other fires ; anyone going to the man-hole in attic could not help seeing fire on the ceiling ; the last occasion on which I had been in spare bed-room, was ten minutes or a quarter of an hour before I discovered the fire in the drawer ; I do not know why I was not called to give evidence at inquest ; I expected to be called.

By Mr. Roberts : The door of front hall was open the whole time I was there, defendant knew I could enter at any time, and I could have done so when Mrs. Britten went in spare bed-room ; I could have gone if I thought proper ; I will not say that defendant set fire.

F. WOODCOCK.

Sworn before me, this 17th day of February, 1887,—

HALEY C. D'ARDIER, J.P.

Case again adjourned to 23rd instant.

James

James Cocking, on oath, states:—I am an officer of the Detective Police Force; in December last I took down a statement in writing from Mr. Britten; I had several interviews with him, commencing on 28th December last; I look at a statement marked K; it is signed by Mr. Britten, and is in my handwriting, it was taken down by me at Mr. Britten's dictation on various days commencing on 28th December last; the whole was read over to Mr. Britten before he signed it, and Mr. Britten read it himself and took a copy of it; the statement was given by Mr. Britten voluntarily, and I took it down at his special request.

By Mr. Roberts: I put questions to defendant; I told him who I was; Mr. Britten had an opportunity of reading the statement, but whether he did so or not I cannot say; I examined other witnesses who have been called as witnesses for this prosecution before I examined the defendant; I examined Mr. Manning afterwards; I was eight days at Ryde collecting evidence; I had been at Ryde two days before; I commenced to take Mr. Britten's statement; it occupied three or four days; it extended this time because I wanted to get a truthful statement from Mr. Britten of occurrences on that night, meaning the night of the fire; it was taken in parts; when I had taken the different parts, I kept them in my possession; Mr. Britten used to obtain a copy of each day's statement when taken down; I saw Mr. Manning the same day that I finished taking Mr. Britten's statement; I saw him for the purpose of taking his statement; I read to Mr. Manning what statement Mr. Britten had made; I saw Mr. Manning at his residence; I wish to mention that Mr. Manning had written out the substance of the evidence he could give before I gave him Mr. Britten's statement; he had written it out previously; I took a copy of it before I went to defendant; I had seen Mr. Manning on my first visit to defendant; I saw Mr. Manning; I went to his residence on the same morning I went to the defendant; Mr. Manning did not then show me any statement; Detective Clough was with us; we only remained five minutes; I have no recollection of Mr. Manning having expressed his opinion that Mr. Britten set fire to the place; he did afterwards say, that being guided by the evidence, he was of opinion he had come to the conclusion that he had set fire to the place; Mr. Manning, I understood, was speaking of his knowledge from what he knew as Coroner; Mr. Manning did not tell me the verdict on the inquest; I had the particulars myself; Mr. Manning did not express his conviction that Mr. Britten set the place on fire without reference to the evidence; when Mr. Manning expressed his conviction that Mr. Britten set the place on fire; I think it was the third interview; I have been assisting in the prosecution in this case; I know Mr. Manning has been in the adjoining room from time to time during the hearing of this case; he has sent for me and I have gone to him; he has sent for me on five or six occasions when witnesses have been giving their evidence; he communicated with me respecting evidence the witnesses could give; he brought under my notice several things on the inquest, and requested me not to forget them; they were of use to me, and to that extent they were useful to me for the prosecution; Mr. Manning was in the magistrate's room during the time most of the evidence for prosecution was given; he might have heard the evidence if he endeavoured to do so, and he could have heard you putting questions; I did not take a statement from Mr. Manning exactly in the same way as I did from defendant; after Mr. Manning had read over defendant's statement he gave me a long written statement; he had not had Mr. Britten's statement more than two minutes when he gave me his statement, having brought his own statement downstairs; I asked for the statement one or two days before I got it; I had not told Mr. Manning anything that Mr. Britten had said before I got Mr. Manning's statement that is nothing to Mr. Britten; I told Mr. Manning I had been to Mr. Britten's, and was going again; when I first came I went to Mr. Manning's and then direct to Mr. Britten's; had an interview with him on my first visit; I had five or six visits to Mr. Britten's in connection with his statement; I only went to Mr. Manning's on the first occasion of my visit; I read Mr. Manning's statement; I questioned him on his written statement, but not in connection with matters relating to Mr. Britten; I may have done so indirectly; Mr. Manning did not express ill-feeling towards Mr. Britten or an unfriendly manner; Mr. Manning had said there had been unpleasant feeling between the parishioners, including himself, and defendant, and expressed himself desirous of getting rid of Mr. Britten from the parish, as he said for his own sake; I was sent up here to make inquiries; it was not part of my directions that Mr. Britten should be present when I was examining the witnesses; Mr. Britten was not present when I examined Mr. Manning; I did not put questions to defendant to criminate him, but to elucidate the truth; it was not to criminate him if I could; I never interviewed Wallace or took a statement from him; I am not aware that the Minister for Justice had given instruction that Mr. Britten should be allowed to cross-examine any witness; I do not know that attempts were made to reopen the inquest; I did not interview Mrs. Britten; on my third interview Mr. Manning told me he was at the fire on the Saturday after; he said he had been sent for by Mr. Britten to examine some fire-balls; he said nothing about being in the passage with Mrs. Britten; when Mr. Manning handed me his statement I questioned him; the questions were so numerous I cannot recollect them all; I did take notes when I got Mr. Manning's statement; it was on my fourth visit; the notes I made I tore up; this matter was embodied in his statement; at Mr. Britten's request I examined his son Frank; his son said he was the first to give the alarm; I examined others in Mr. Britten's presence—M. A. Adams; I do not know whether he is a witness or not; Mr. Jordan was also examined in Mr. Britten's presence; Trevitt was present and examined before Mr. Britten; Mr. Young was present with Mr. Britten when examined; these were called by Mr. Britten's request, but their evidence is immaterial in the case; I mentioned this to Inspector Camphin; I have stated that Mr. Manning related a conversation between Mrs. Britten, but I never examined her, neither in relation to the fire nor to a conversation with Mr. Manning; I did not think it was part of my duty to examine Mrs. Britten; she was present when I examined Mr. Britten; part of Mr. Britten's statement was read to Mrs. Britten.

By Mr. Pring: I read the statement aloud, sentence by sentence, as it was taken down; my instructions were to examine all persons who could give any material evidence tending to throw any light on the origin of the fire at the parsonage, and as Mr. Britten had requested to be examined respecting any facts he could give I was to interview him, and if he repeated his desire to make a statement, I was to take a statement from him; I was authorized to put any questions on any matter about which a doubt existed respecting which Mr. Britten might give some information; I was also instructed to examine persons on the request of Mr. Britten, although I might not consider their statement material; and instructed to warn Mr. Britten that any statement he made might be used in evidence against him in the event of authorities instituting criminal proceedings; I told Mr. Britten of these instructions before I took a statement from him; Mr. Britten expressed a desire to be examined; before I examined him I warned

warned him as instructed ; I examined all witnesses he asked me to examine ; when I first came to Ryde I went to Mr. Manning, as being the Coroner, who had held an inquest on the fire, and therefore likely to give me information ; after that, on different days, I examined various witnesses, Mr. Britten amongst the number ; I finally went to Mr. Manning ; and as soon as I saw him he gave me his statement ; he had the statement in his hand when I saw him ; I look at a copy of Mr. Manning's statement made by myself.

By Mr. Roberts : I got my instructions from Inspector Camphin ; I saw Mr. Manning at the Inspector's office long after I had finished the inquiry ; I will not swear that Mr. Manning did make inquiries about the present prosecution.

By the Bench : Instructions are generally given in writing ; there are general regulations given ; in this particular case special instructions were given, because previously Mr. Attorney-General Want had ordered that Mr. Britten should be prosecuted ; if no special instructions had been given, I should have conducted the case in the ordinary way ; I should then have collected evidence tending to connect the person charged with the offence, but in this case I examined other witnesses at Mr. Britten's request, whose evidence, in his opinion, would tend to remove suspicion from him.

JAMES COCKING.

Sworn before me, this 23rd day of February, 1887,—

HALEY C. D'ARDIER, J.P.

*John Edye Manning, on oath, states :—*I am a Justice of the Peace and Coroner for district of Ryde ; I remember the fire at parsonage in November last ; I was coming from the Railway Station when I saw a fire which was found to be the stable at parsonage ; I went to the stable by back road to it ; there was then a very strong fire at stable ; after some time I saw people running with water in direction of house, and I made inquiries and found there was a fire in the house, and I then went to the house ; I went to front door ; I met Mr. Britten there, and had some conversation ; I said it was a fortunate thing that I had insisted on having all the Church property and parsonage insured when I was a churchwarden ; he said it was fortunate ; I asked him if he had his furniture insured ; he replied, "No, do not think so ;" I said it was a very strange thing to have a fire at the Church of England parsonage when the clergyman was residing in it ; I made the remark, it was on fire in three different places ; I said, "What is the meaning of it ;" he said, "I do not know ;" Mr. Britten said he was in his bed or bed-room when he thought he smelt fire, that he got up and went into the passage ; when he became convinced that there was a fire that he went back in bed-room and called Mrs. Britten, but that she would not get up for some time ; he said he went out again in passage and opened door of spare bed-room, and found a fire burning on the bed in that room ; then he said he called the servant who was sleeping upstairs ; I asked did he give any alarm ; he said, "No," he did not ; I said, "What did you do ?" he said, "I moved out some of my things ;" I said, "What things ?" he said, "Some of my drawers," and while so doing Mrs. Britten told him the stable was on fire, that she had seen it from back verandah ; he then said he went out and saw such was the case ; I said, "Did you give any alarm then ?" he said, "No, I did not ;" I again asked him what he had been doing ; he said, as before, "I was taking out my drawers ;" he remarked, that when taking things from the drawers he had seen a light shining through the drawing-room windows—that he had crossed over to windows and looked in and found the place in a mass of flames beyond recovery ; I said, "What did you do then, Mr. Britten ?" he replied, "I went on removing my things ;" I said, "What things ?" he again said, "My drawers ;" I said, "Good heavens ! Mr. Britten, did not, having three fires in different parts of your premises at the same time, strike you as being anything peculiar ?" he made no reply ; he appeared to me to be stupid—partially paralyzed, from the look of him ; I said, "Why did you not call out for assistance, people are living all round you, you could have got it at once ?" he said, "I do not know ;" I then asked who had first given the alarm ; he said, "Mr. Hibble ;" I asked, how it was possible for anyone to get in his house to light fires in different parts ; he said he did not know how anyone could ; I asked him if the house was shut up that night ; he said, "Yes" that he was the last to go to bed, and that he had shut up the house himself ; I then asked where Mrs. Britten was ; he said, "Over under the trees in front of house ;" I said, "Mrs. Britten must not remain here, come and persuade her to go to my house," and we went over ; Mrs. Britten said that when Mr. Britten called her she would not get up for some time, because Mr. Britten was always calling at night, saying the place was on fire ; she said she did not know what had been the matter with Mr. Britten lately, his head had been so bad ; at first Mrs. Britten did not wish to leave the premises, but after some persuasion she went and remained at my house until the following morning after breakfast ; I myself took Mrs. Britten to my house ; before I took Mrs. Britten home I had seen the fire in drawing-room ; I saw it from the French window ; it was at first a most intense fire, with a great quantity of smoke ; the flame was all along the ceiling ; there was an harmonium, piano, sofa, and side-board ; the side-board had been pulled away, but the piano and harmonium were, I think, together ; the furniture could not have produced such a body of flame as I saw ; it was utterly impossible ; from the quantity of smoke and flame there must have been some combustible placed there ; Mr. Britten was doing nothing to put out fire that I saw ; after I had taken Mrs. Britten to my house I returned to the parsonage ; I then saw Mr. Britten ; I told him there would have to be an inquest on the fire ; he asked if it would be necessary ; I said most certainly, it was surrounded by so many suspicious circumstances ; I said it was clearly the work of an incendiary ; I said the person who did this made a mistake in choosing a "late night," as there were late trains, buses, and steamers, that he ought to have waited for another hour and then every one would have been in bed ; I left the parsonage at 3 a.m., and went home ; I went to parsonage following morning after breakfast ; I met Mr. Britten at the drawing-room ; I asked him how the hole came in the drawing-room ceiling, it was not there when I left at 3 a.m. ; he said he had gone overhead to see if there was any fire, that he slipped, and his leg had gone through the ceiling ; I said, "What on earth would make you suppose there was a fire up there, the fire was all out in the room underneath when I left ?" he said, "Oh, but there was a fire there (meaning over the ceiling), because when I came down, Constable Harper said he believed there was a fire up there ;" Mr. Britten said he said "No, there cannot be, because I have just been up there ;" and Constable Harper said "There is, there is smoke coming through the shingles," and Mr. Britten said he looked and saw smoke coming through the shingles ; we went up and looked, and there was a fire burning on a heap of rubbish over the drawing-room ceiling ; it must be just on the spot where I dropped my candle ;" I then
said

said to Mr. Britten, "What do you mean, do you mean that you set fire to it?" Mr. Britten replied, "I think I must have;" on this same morning I said to Mr. Britten, "Is your furniture insured?" Mr. Britten replied "It is fully insured, it is insured for £500, and my buggies are insured too;" I said, "You told me last night you did not think you were insured;" he said, "But I *am* insured," emphasizing the *am*; the inquest took place on the Friday evening; I heard nothing about the evidence Harper could give about hole in the ceiling until some days after the inquest; on the Saturday after the inquest Sergeant Beatty came to me and we went to parsonage; we went to lawn in front of bow-window; Mr. Britten was there; I understood he had sent for me; he called my attention to two canvas balls lying on the grass; he said, "I was moving some furniture and my foot kicked against something, and I found it was these balls"; the said balls were neatly folded up and saturated with kerosene; they were lying in almost a puddle of kerosene; it had been poured on them; I noticed the grass was covered with kerosene too; I said to Mr. Britten, "Those evidently have just been put there; they were not there yesterday when the Jury were here; I said, "I suppose these are some of Mr. Terry's fire-balls? this comes of his remarks yesterday"; Mr. E Terry, when the Jury were examining the premises the day before, had made remarks in presence of Jury about fire-balls; I went with the Jury to view the premises on day of inquest; I and the Jury were on the lawn for some time examining the furniture there; if those balls had been there then, I do not think we could possibly have missed seeing them; I am certain kerosene must have been poured on them on the Saturday morning, because there were fresh globules of kerosene on the grass, and I said so to Mr. Britten; on the Saturday morning some furniture was still on the lawn; the sergeant called my attention to side-board; it appeared to have been burnt out from inside, as if some combustible matter had been placed inside and lighted; I subsequently said to Mr. Britten, "Where do you keep your kerosene oil?" he took me and showed me a place under the stairs; I saw there were stains on the stairs, but that did not strike me so much as the great quantity on the floor of hall; it was shining, and appeared quite fresh or recent; I remarked to Mr. Britten, "It is no wonder the Jury spoke about the kerosene on floor;" he said, "Yes, there is a great deal; I cannot account for it, unless Mrs. Britten upset some the night of the fire; Mrs. Britten removed the can for safety"; just at this moment I heard a voice behind me; it was Mrs. Britten, who had come out of an adjoining room behind me, and whom I had not seen; she said, "I did nothing of the sort," meaning upsetting the kerosene oil; "You are much more likely to have done it when you were spurting the oil about with the garden syringe;" I looked round to Mr. Britten, who appeared dumbfounded; I said, "What is this about the syringe, Mr. Britten?" he did not reply at first, but afterwards said, "I was syringing my plants;" I then said that I fancied it was the opinion of the Jury that there were only two people that could have set fire to the parsonage, and that if the Jury had known at the time (which they did not know) that the servant had her child upstairs with her, they would have named him (Mr. Britten) as the only person that could have set fire to the parsonage; no reply was made to this; I then went outside the house; Mr. Britten told me that a person named French told him that every one believed he had set fire to parsonage; he then asked me if I believed he had; I said, "Most certainly Mr. Britten, no one in his senses could believe anything else, knowing all the facts as I do"; I said, "The only thing I have ever been doubtful about, is as to whether you are responsible for your actions, if you are, I believe that you tried to burn the parsonage to get the £500 insurance you have on your furniture, in order to enable you to leave the parish, which you have made too hot to hold you;" I said to Mr. Britten, "Your furniture is not, in my opinion, worth anything like the value it is insured for."

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Mr. Britten made a remark about enemies, and said he was afraid it was one of his enemies; he said this after remark about French; I said I was not aware he had any enemies; I had never heard of any, certainly no one who would do such a thing as that; no one would put their head in a noose to benefit you, and I considered it was a distinct benefit to you to have your furniture destroyed; it was after that I remarked about the value of the furniture; I then stated that I knew there were a great many people objected to him as their clergyman, and that he knew with what good reason; I repeated that I did not know any one who would do such a thing as that; I read the evidence of the Bishop in the paper the other day, and the reason that the charges made were not followed up was we considered them to be too small compared to the charge arising out of the fire; before the fire, some considerable time, I and some others were appointed at a public meeting of pewholders as a deputation to wait on the Bishop with reference to an exchange of clergymen for this parish; we waited on the Bishop, but we did not lay any charges; the Bishop apparently had heard something, and asked us some questions which led to certain things being spoken of; the Bishop wrote to me and asked me if I would take the matter in hand, as I had been spokesman at meeting; we were awaiting replies from the Bishop in reference to certain matters on which we wanted advice, when the fire intervened, and we did nothing more in reference to these matters; then the meeting alluded to by the Bishop took place; considering the grave charge hanging over the head of defendant, we refrained from making reference to other matters; I attended the meeting simply out of respect for the Bishop; I had told the Bishop previously that I thought it was inexpedient to go into these matters whilst this charge was hanging over Mr. Britten's head; I took no part in the meeting, because having been mixed up in the matter as Coroner, I thought it better not to do so, and I afterwards explained my reasons to the Bishop for not doing so; I took the depositions at the inquest myself; I look at the document marked I; the signature at bottom is that of defendant; the writing of the deposition is in my handwriting; this is the defendant's deposition at inquest; the plan attached is the plan used at the inquest and referred to in the deposition: I now remember that on Saturday after the inquest I asked Mr. Britten how he accounted for the fact that he had seen the drawing-room in such a blaze that was beyond recovery, when subsequently Mr. Hibble had looked and seen them, was only a small flame between the furniture; Mr. Britten then made reference to a canvas cover over the furniture which might have caused the blaze; I then remarked that he must have seen the fire a long time before Mr. Hibble arrived, and it must have had time to nearly go out; he said yes, it was some considerable time before Mr. Hibble arrived that he had seen it; on the night of the fire Mr. Britten told me that when Mrs. Britten saw the fire it had apparently commenced at closet at back of stable; I saw Constable Harper at parsonage on morning of the fire; he was perfectly sober, and I know him to be a most respectable, steady sober man.

By

By Mr. Roberts : Before the inquest I was quite certain the fire was the work of an incendiary, and I suspected Mr. Britten in consequence of the conversation I had with him and from what I saw ; I know men are often suspected who are innocent ; I have very likely been suspected of crimes, and, although suspected, I am innocent ; I knew a Mr. Robert King, with whom I had an action relating to a vessel named the "Esk," in the year 1866 ; the action was in District Court, Sydney ; he either sued me or I sued him ; I think he retained something belonging to the ship in that action ; I gave evidence ; King afterwards charged me with wilful and corrupt perjury at Central Police Court in giving evidence with reference to that case ; the case was investigated, and I was committed for trial, and the Attorney-General (Sir Jas. Martin) declined to file a Bill ; I simply know the "Esk," became my property, but whether King bought it from Insurance Company and sold it to me, I cannot recollect ; King did not bring an action for the purchase money, as far as I recollect, but there was a dispute about something which he detained ; coming later on, I was never charged with scuttling the "Lord Ashley ;" I brought an action against the company for £8,000, which I recovered, with costs ; I was not examined as to whether I personally scuttled the vessel, but an engineer was ; there were suspicious circumstances with the vessel, and there are always in cases where Insurance Companies are interested ; I was on board the vessel "Lord Ashley" when she left Newcastle for Melbourne ; she appeared to be then in good order ; she appeared to be making water rapidly when it was reported to me she had been about three hours away from Newcastle ; I could not go down the hatches ; I have been to China ; I took three steam-vessels there for sale ; they were also sold ; I did not sue any Insurance Company ; there was a will made by a man named Reichardt ; I drew the will ; he was an old servant of ours ; I went to him at his request, and he devised all the property to my wife, and I refused to take the property, and I told him I would distribute the greater portion of the property between his family, and they had three-fourths ; there was no interest to accrue to anyone till after his wife's death ; this I insisted upon ; I heard that afterwards that there was another will made by Reichardt, subsequently to the one I drew ; this second will was informal ; it was drawn by Adams ; probate was applied for under the second will ; a caveat was entered against it ; I don't recollect speaking to Adams, and saying that the will he drew was not valid ; if I spoke to him, it is very likely I said that probate was applied for during the life of Mrs. Reichardt, and a compromise took place, according to the original intention ; the nephew, with whom testator had quarrelled, received one-fourth, and a step-daughter one-half, and my family one-fourth ; I can't say what the nephew was to take under the second will ; I have stated I saw the Bishop's statement in the paper ; I did not confine my evidence to-day to deputation who waited on the Bishop after the fire, but both before and after ; I was one of a deputation appointed at a public meeting who, in the first instance asked for an exchange of minister ; I was appointed officially as one of the nominators of the parish ; we asked the churchwardens to accompany us, and they did so excepting Mr. Edward Terry ; the Bishop did not ask us to formulate charges on that occasion against Mr. Britten, but he spoke of certain matters he had heard of in reference to Mr. Britten, and said he would like to know more of it, as he might not like to nominate Mr. Britten to any other parish, or words to that effect ; some matters were spoken of affecting the conduct and character of Mr. Britten ; the Bishop stated in his evidence that he called on the persons making complaint to substantiate their charges or complaint ; this was not at the meeting but in a letter sent to me by Bishop ; I have not the letter by me, but can produce it ; I cannot say when it was ; before the Bishop wrote to me I wrote to him on behalf of the deputation requesting him when he obtained legal advice on the matter, left open at our interview, he would at the same time obtain advice on the matter then submitted to him ; we did not at any time before the fire formulate any charge or make any complaint against Mr. Britten, because we were awaiting a reply from the Bishop on the points submitted to him ; the Bishop says he made inquiry into the charges, and I suppose he did so when he says the charges were of a pretty trivial character, relative to money transactions ; I cannot say whether that was the case or not ; the matter of misappropriation of 25s. had not been referred to at that meeting ; it had previously ; we did not want to cry stinking fish, or we should not been able to get rid of Mr. Britten ; the Bishop's statement that the invitation was not accepted, and the same was sent to Mr. Manning is correct ; this invitation was contained in letter previously referred to ; if the Bishop has sworn that no charge has been made against Mr. Britten, it is correct ; I know that I have not brought any charge against Mr. Britten to the Bishop, and so far as I know, no charge has been substantiated against him ; I know of nothing that has occurred between any other parties and the Bishop in reference to Mr. Britten ; the 25s. was spoken of at the Easter meeting previous to the deputation ; this and other matters were mentioned by me ; it was meant as a charge of dishonesty, but was not brought by me, as I knew nothing about it ; I will not say that this 25s. was not one of the petty things alluded to by the Bishop ; I believe the 25s. was one of the things inquired into by the Bishop ; my duty as a nominator would be to recommend a clergymen for the parish if a vacancy should arise ; the pewholders appoint nominators, who hold office for three years ; the present nominators are Mr. John Docker, Mr. Robert Terry, and myself ; Mr. Docker and myself do not act in concert against Mr. Britten ; Mr. Docker was Mr. Britten's warden last year ; I was churchwarden to Mr. Britten some six or seven years ago, possibly in 1881 ; I was not reappointed by Mr. Britten ; it might be 1883 ; no feeling of hostility were made by me on this non re-election ; I write to the *Cumberland Mercury* sometimes ; I wrote the article I have just read ; it is headed "Ryde, from a Correspondent ;" I do not think they have any fixed correspondent ; I have no doubt the whole of the articles under the heading of "Ryde" are written by me ; my object in writing the paragraph was not to inflame the public mind against Mr. Britten, but it was sent with other news ; no one is mentioned in that paragraph ; I certainly meant the parsonage occupied by Mr. Britten, and I certainly meant to allude to him, but did not mention his name, and every body knew without the paragraph that Mr. Britten was suspected ; the paragraph was not done to injure Mr. Britten or to benefit him ; he was not considered in the matter at all ; the paragraph was not inserted to bring the matter more prominently before the public ; I was Coroner ; I do not consider I degraded the office in writing the paragraph I did ; I consider I was *functus officio* when my office closed ; I wrote the paragraph as a public matter ; I know the *Mercury* is printed in Parramatta ; as Coroner, I say that evidence was not given as to all the fires ; no evidence was given as to fire in roof ; evidence was given as to all the fires ; there were seven fires ; the Jury found the place was fired in seven different places ; referring to the portion of paragraph 1, "Had this evidence been produced certain members of the Jury openly say that they should have named the culprit and found a verdict of arson ;" I heard that some of the Jury had said this ; it is not my own imagination when I make this statement ; I took memorandum that

that took place in November about the fire; subsequent matters I took no memo. of; I have not heard the Jury say what I have written in my paragraph, but I have heard that they did say so at various times from different persons; I cannot name any person who mentioned it, and I say that the paragraph is not my malicious invention; I don't think the latter part of paragraph about insurance concerned the general public; when I say it is currently reported that the insurance company do not intend to pay the sum insured for; I did not write anything against defendant; I don't know that I considered whether the subject of paragraph was a public grievance or not; I am not actuated by any ill-feeling towards defendant; I look at a letter from me to defendant, dated 26th August last, referring to a meeting which appointed a deputation to wait on the Bishop; the letter was written to Mr. Britten by me to tell him we were going to wait on the Bishop, as we found Mr. Terry, who was to have informed him and had not done so; I don't call it an insulting letter; on contrary, it was meant to be a friendly letter; the letter is not a personal appeal from me; I look at letter dated 22nd January, 1887, signed by John Docker and John E. Manning; I have not fully defined my position as nominator; the letter is signed by us as nominators of the parish; we considered it became within our province to write this letter on account of the state of the parish; my duty as nominator is to nominate in case of a vacancy in the parish by death or removal; I wrote the letter; I went to Mr. Docker's house; we had agreed to it, and I was to draw it up; there was another nominator, Mr. R. Terry, who is one of the churchwardens, to whom we were writing; there are three churchwardens; one of the churchwardens is Mr. R. Terry; he was not asked to sign it, because we were writing to him as churchwarden.

By Bench, on 24th February: I have never received any remuneration from the *Cumberland Mercury* as correspondent, but I have been asked to supply them with all matters of local interest, as they had no paid correspondent at that time; I have supplied them with news both before and since the fire.

By Mr. Roberts, on 24th February: I produce a letter of defendant, dated 27th August, in reply to mine of 23rd August; I also produce my letter to the Primate, dated 23rd August last, enclosing a copy of proceedings of meeting, held 7th August, and a copy of my letter to Mr. Britten, of 23rd August, and asking for an interview with his Lordship for the deputation appointed by that public meeting, with reference to the incumbent; I do not know whether he took any objection to the mode in which the meeting was called by the churchwardens, and at which the resolutions were passed; at the interview with Bishop, when he received the deputation the Bishop stated that, with reference to the reduction of stipend, he was not sure but that some legal difficulty would not intervene in consequence of the meeting not having been called by the incumbent; two of the churchwardens, Messrs. Lovell and R. R. Terry, who were present, stated they requested the incumbent to call the meeting, but he declined to do so; some of the party then pointed out that it was not likely that Mr. Britten would call a meeting to reduce his own salary, and also, in reference to his removal from the parish, the Bishop said we should have appealed to him, and he would have caused a meeting to have been held; he further said that was a technical point on which he would obtain advice, but, in the meantime, he would receive us—the deputation appointed by the parishioners of St. Anne's; the Bishop said that the meeting had been, in his opinion, not legally convened, for the reasons before stated; he did not say that the resolution which the meeting had passed could not affect the position or stipend of incumbent; he did not tell me it was not a vestry meeting; it was implied all through the conversation that the meeting was technically illegal, because the incumbent refused to call it; the letter to the Bishop was signed by me with my usual signature; I cannot say I signed as nominator; I signed on behalf of the deputation; I say that it was part of my duty as nominator to send a letter of that kind, having, in my capacity as nominator, been appointed at the public meeting as one of the deputation; I have made reference to my duties as nominator; I have no duties that I am aware of as nominator until the minister dies or leaves the parish; I do not know whether the Bishop upon either of these events happening would call on me or the nominators to act; I am not aware what is the form of procedure; the nominators could not appoint a minister without the authority of the Bishop; being nominators, Mr. Docker and myself were appointed on the deputation; I took no part in the meeting in passing the resolution; I did not say anything about the reduction of stipend at the meeting; it is very likely that I had spoken previously to the meeting about the reduction of stipend and his removal from the parish; I assume that Mr. Terry, as chairman, did not vote; I did not hear him express opinions against the resolution; chairmen do not usually vote on such occasions; before the meeting was convened I do not recollect writing to Mr. Britten, informing him the meeting was to be held; why should I write to him; no one to my knowledge notified the meeting to Mr. Britten, but the Primate was told by the churchwardens in my presence that Mr. Britten, refused to call the meeting when asked to do so; I did not give any written notice to the churchwardens; I sent the *Cumberland Mercury* a copy of the letter, dated 22nd January, 1887, to let them know what was going on; I look at the printed paragraph; I did not ask the *Mercury* to publish the letter; if the editor says I did, it is a mistake; I sent the letter as a correspondent for that paper, not with the view of its insertion in that paper; I thought it was part of my duty to make reference to what the Coroner's Jury would have done in a certain event; when I made allusion in my letter to "Churchwardens" in these words, "in which case he would have been committed on the capital charge of setting fire to premises in which human beings were at the time resident;" this reference implies he would be liable to suffer death; before I got Mr. Docker's signature to the letter I had prepared a rough copy; I do not know whether I tore it up or where it is; the letter was not written in a vindictive or hostile feeling; it was written as a matter of business; I do not know that such a letter would be injurious to Mr. Britten when written to his churchwardens; it was not injurious, because Mr. Britten continued to do the duties of the Church, which we protested against; I do not think that letter is characterized from beginning to end by a vindictive spirit and feeling; the matter in letter referred to is one involving death penalty; I read the paragraph produced in the *Cumberland Mercury* for the first time now; they send me the paper; I do not subscribe to it; I heard there had been such a paragraph; I will not say I did not write a letter to *Mercury* asking them to insert the letter of 22nd January, but I am convinced I did not; they never wrote to me on the matter; I do not look on the letter as libellous; when I sent a copy of letter to *Mercury* it was information for the *Mercury*, nothing more; the meeting I have been referring to was a special meeting; the Easter meeting was held some months before, I believe in the month of April last; I attended the Easter meeting; the conduct of defendant was called into question particularly by me; Mr. Britten requested any charges against him

might be brought forward, and there had been several charges openly spoken of in the parish, of which personally I knew nothing; Mr. Britten was the chairman; no one else getting up, and Mr. Britten having previously privately spoken to me, when these matters were discussed; I got up and mentioned the reports that were current in the parish, with a view to the matter being cleared up; I stated I knew nothing of these matters personally; Mr. Britten subsequently thanked me for doing so; I recollect saying at the meeting if any person had any reason to thank him it was Mr. Britten; the documents I look to are not accurately taken as the minutes of the meeting; the minutes are in handwriting of defendant; where I have made pencil marks they are incorrect; I recognize the minutes as proceedings of the meeting; there was a meeting called by Mr. Britten of the parishoners; it was a meeting of non-voting power; I mean by that it was not a vestry meeting; I don't think the meeting was called by defendant to answer report that was circulated against Mr. Britten; I can't say what object Mr. Britten had in anything; I attended as a parishioner; I am not aware that I made myself conspicuous in opposition to Mr. Britten at that meeting; Mr. Lovell was there I believe; he is a churchwarden; Mr. Jarrett was there; Mr. Britten entered into some explanations as to his conduct; I am not aware that I used insulting language or that I was insulting in my demeanour towards him; I don't recollect telling him that I knew his little dodge in the meeting, but I know the impression was it was a dodge; I don't recollect Mr. Jarrett saying at the meeting to me that if I had a spark of gentlemanly feeling in me, or respect for my office of Magistrate, I should withdraw these allusions; I am certain Mr. Jarrett did not use those words, but he said something to that effect; not in that language; I did withdraw the expressions I had used; Mr. Jarrett said he was sure that I would on reflection withdraw the expressions I had used, and I did so; when I used the language I was annoyed; our impression was that Mr. Britten called the meeting for one object and used it for another; the meeting was called for matters of interest to the parish; the notice calling the meeting stated so; I may have spoken of money matters, and it was not in respect of that that I was called to order; I think I expressed myself with warmth and feeling; my feelings were aroused because I was annoyed by Mr. Britten's shuffling; some resolution of confidence was passed in regard to Mr. Britten; I am not aware that I caused great excitement at that meeting; there was great excitement, but it was not attributable to me, although I showed a feeling of temporary annoyance; I was not actuated by animosity; I was at a meeting of the Church Society at which Bishop presided, convened by a dodge; it was held since the fire; I took no part in this meeting, because as I considered the matter of fire *sub judice*; I don't recollect whether the meeting at which Bishop presided was prior to 11th December, which date my paragraph appears in *Mercury*; I cannot say that the day of the meeting at which Bishop presided was not held on the 29th November; what I mean by saying that the matter was *sub judice* was the origin of the fire; I can't tell you how and where; if the matter was *sub judice* on 29th November it was so on the 11th December; the reason I can give for not speaking and afterwards writing to *Mercury* is that at the meeting we were asked to bring forward charges of matters that occurred previous to fire; the Bishop said that; I do recollect the Bishop saying something about the fire, but I don't recollect what he said; professedly the meeting was for the Church Society, and there was a second matter for consideration; I think about the disturbed state of affairs in the parish; I can't say what the meeting was convened for by the Bishop; I know, as a matter of fact, it was not convened by the Bishop; I did not understand that the discussion at that meeting was to set the matter of fire at rest; I don't know that the Bishop had written to the churchwardens to call this meeting; on the contrary, I know he did not; the meeting was convened by H. H. Britten, incumbent, and R. R. Terry, as the representatives to the Church Society; Mr. R. R. Terry said he knew nothing of the meeting; he said they were not to have a meeting, and that it had been called by Mr. Britten without his authority; I showed him the printed circular, and he said he knew nothing of it, while Mr. Terry was speaking to me, Mr. Pope handed Mr. Terry a letter, and he said, "This is from Mr. Britten; perhaps this will explain it;" Mr. Terry opened the letter, and read it to me; the Bishop stated a discussion took place on fire, that a resolution had been passed of sympathy with Mr. and Mrs. Britten, on the misfortune which had fallen on them by the fire; I have seen Mr. Jarrett since the fire; at the meeting he expressed an opinion as to the origin of the fire; I met Mr. Jarrett in the train after the fire, and had a conversation with him as to what he said at the meeting about origin of fire; if Jarrett says I met and spoke to him on two occasions about the fire, I won't say he is mistaken, but I only recollect one occasion; I told Mr. Jarrett that his views about origin of fire were utterly impossible; I never told Jarrett that the Jury were unanimous in their opinion that Britten had set the place on fire; I could not have told him this, because I did not know it, and I say I did not swear in my examination-in-chief, in relation to a conversation with Mr. Britten about the fire, that it was the opinion of the Jury that there were only two people who could have set fire to parsonage; on a subsequent day when I corrected the evidence I had given, the same was read over to me; I did not correct it, but I objected that a term taken down was not correct, and I had the words "I fancied" put in place; I do recollect you saying you intended to call the Jury to contradict me, but I can't say on what particular occasion; I did not state to Mr. Jarrett that it was through my influence that a modified verdict was returned by Jury, nor anything to that effect; I now produce the circular convening the meeting, at which the Bishop presided; this is the circular referred to in part of my previous examination, referring to conversation with Mr. Jarrett after the fire and in the train; I did not say on any occasion to Mr. Jarrett that I had not been able to get Sergeant Beatty to do his duty properly, and that in answer to my application, the Department was sending up a special detective; I could not have done so, as I have never known the sergeant to neglect his duty, nor did I know the Government were going to send a detective; after the inquest I was in the detectives' office, after Cocking came on this job; I saw Cocking; I was there on two occasions; I was there before to see Cocking, but did not see him the first time I went; I saw Cocking the second time I went there; I did not go to see Cocking as Coroner, I went to tell him to bring a basket for fruit; I heard that Cocking had been put on to get evidence; I knew he was making inquiry; if Cocking says he came to my place two or three times, it is correct; very probably, when he came for the grapes, he had conversation with me about the fire; at all occasions of his visits, and at other times; we discussed the matter of the fire, but I did not give my opinion to him that Mr. Britten set the place on fire; my opinion is that Mr. Britten set the place on fire, although I have never said so to anyone; when people asked me about Mr. Britten setting the place on fire, I said the evidence was all against him; I was alluding to the evidence at inquest, and what I knew independently of that; I thought on the night of the fire that it was very suspicious against

Mr.

Mr. Britten ; from questions I put and answers he gave, I thought on the whole he set fire to the place ; I formed my opinion that night, and other circumstances have confirmed it ; since after forming that opinion ; I sat as Coroner in the case ; I charged the Jury ; notwithstanding my conviction, the Jury returned an open verdict ; I did not express my conviction to the Jury, on the contrary, I mentioned everything I could in favour of Mr. Britten, especially with regard to his insurance ; I pointed out to the Jury that any person with limited means and in their proper senses ought in duty to their families to keep their property insured, and that the fact of there being an insurance on the furniture and effects should not in any way militate against Mr. Britten ; defendant was examined at inquest ; he gave some explanation about the fire ; I do not recollect telling the Jury that the explanations given by Mr. Britten were satisfactory more particularly in regard to fire in ceiling ; I must have made comments on Mr. Britten's evidence as I spoke about the furniture ; I did not say to anyone before the inquest on the fire that I was afraid I should have to commit Mr. Britten ; I recollect saying after the inquest that I was glad the whole thing was over, as it would have been a painful thing to me if I had had to commit Mr. Britten ; I have not identified myself with this prosecution in any way whatever with a view to a committal on this charge, but I have had correspondence with the Government on the subject ; I have made suggestions to Cocking with regard to evidence which could be given by witnesses then in the box, and if Cocking has so sworn that I so aided and assisted in the prosecution it is correct ; I have seen several witnesses who have been examined in this prosecution it is very possible I have had conversation with them about the fire ; it has been a matter of common talk since it occurred ; I know Mrs. Parrott, a widow living in the school cottage, a highly respectable person, I never told her that I would leave no stone unturned to secure the conviction of Mr. Britten or anything to that effect, but she has asked me about the case, and what I thought about it ; I told her a portion of what I thought about it ; I told her I thought circumstances were very much against Mr. Britten she may have asked me if I believed Mr. Britten did it, and I may have said I did believe he did it ; this was since the inquest, before I saw Cocking ; I did not tell her that if Mr. Britten had left the parish nothing would have been thought of about a prosecution ; I don't think I spoke to her about a prosecution at all ; what I did say was this, "That if Mr. Britten had left when the parishioners wanted him we should not have had all this trouble ;" Mr. Britten had said he would go, and it was a pity he did not for his own sake ; I spoke very likely to other people in a similar manner ; I never said on any occasion to Mr. Jarrett holding up my hand that Mr. Britten had now made his case worse than ever, for his admission to the detectives were all that were required to bring the matter home to him ; what I said was this, "That Mr. Britten's friends must have been mad to have asked for a private inquiry, because he either had been or would be examined by a detective, who, from my knowledge of Mr. Britten, would extract evidence that would be very detrimental to him, because Mr. Britten could not tell the same story alike twice on the same day ;" Mr. Jarrett did not at any time in our conversation, when I was making accusations, say that my conduct was disgraceful ; some of the persons, the majority in the district, did not say anything in prejudice of Mr. Britten ; I do not know of any enemies Mr. Britten has, even at present moment ; I have not done any acts to prejudice defendant that I am aware of ; I have showed Cocking and Clough some papers ; of course it was when they were making inquiries ; I showed them all the documents at my house ; if this is assisting the detective I have done so ; I have not seen Wallace since the inquest, nor should I know him if I saw him ; none of the meetings of the detectives were by appointment ; Detective Cocking told me he was sent up by the Department ; I wrote to the Minister for Justice (letter now produced dated 2nd December, 1887) that part of letter where I say "subsequent to the inquest some portion of the Jury had discovered most important evidence that ought to have been forthcoming on that occasion ;" this was mentioned to me by Mr. Best ; he was the first who spoke to me on the subject ; it was a few days after the inquest ; I have seen Best nearly every day for some years ; I knew nothing about Harper's statement till Best told me ; I did not know about it from Beatty, either at or immediately after the inquest ; I inquired at inquest if any more evidence was forthcoming ; Sergeant Beatty was in Court and said there was other evidence, but it was only what occurred at fire, and Mr. Fisher said no more evidence was required ; no request was made by the Jury for an adjournment ; I have stated in my letter that the Jury at inquest were nearly returning a verdict against the incumbent, Mr. Britten ; I cannot recollect anyone who told me ; it is not a falsehood written by me to inflame the mind of Minister for Justice against Mr. Britten ; referring to the latter part of same paragraph, and they say "now that had this missing evidence been forthcoming, they certainly would have done so ;" I do not know that the Jury said so, but I was told so ; referring now to the whole paragraph, I do not know that that was written to convey an impression to Minister of Justice that the matters therein referred to were within my personal knowledge ; I wrote from what I believed to be reliable evidence that I had received ; the letter in question was not written to Minister of Justice to put the law in motion against defendant ; it was written to enclose Constable Harper and Woodcock's evidence to be submitted to the Attorney-General, as such evidence ought to have been produced at the inquest ; I look at letter to Department of Justice, dated 20th December last ; I think I took the first letter myself to Mr. M'Nevin, Chief Clerk ; I simply stated what the letter was about ; I did not tell Mr. M'Nevin that I was satisfied as to the guilt of Mr. Britten ; Harper was available at inquest ; he was in charge of Jury ; Harper did not volunteer his information ; it was Best who mentioned it ; Beatty did not ; although I wrote these two letters I did not consider I was putting the law in motion against Mr. Britten, there being important evidence available which was not brought forward at Coroner's Court, and, when informed of that evidence I considered it my duty to submit it to the Crown ; if Beatty had known of Harper's evidence at the inquest it was his duty to have called Harper before the Court when I said "Was there any more evidence?" the sergeant said he had other evidence, but it was only as to what occurred at the fire ; I think I recollect, as Mr. Britten left, that a question was put to him by one of the Jury, I think about the hole in ceiling ; Mr. Britten made some answer not taken in writing ; I do not recollect anyone saying the answer was satisfactory ; on the night of fire I went to Stanmore ; I returned by the 11.30 train ; I do not recollect seeing Mrs. Parrott that evening ; when I got to the fire I was not strolling and walking about, or saying first to one and then another, "It looks very black ; it looks very suspicious ;" I was too much staggered to do so ; I was overcome and shocked ; I spoke to Mr. Britten about my having the church and parsonage insured ; it was at early part of my visit I said so ; defendant has no interest in the parsonage, only in the furniture ; he would not derive any pecuniary advantage from the destruction of the building by fire ; Mr. Britten pretended to be on friendly terms with me, notwithstanding the letter I had written, which I consider a friendly

Exhibit No. 8
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friendly one ; I did not see Mrs. Britten remove any of her furniture ; there was furniture out before I got there ; it was under the trees ; I could not say what ; I first went to the stables ; I remained only two or three minutes ; I left but returned after I had been to the house ; I remained at stables the first and second time about ten minutes ; I did not see Mr. Britten removing furniture, but he might have done so while I was moving about between the fires ; I know Mr. Thompson ; I cannot say he was not there ; many persons were there ; Mr. Britten said he was in bed when he smelt fire and got up ; this conversation took place just before front door ; I am certain Thompson was not present at this conversation ; he might have passed by ; I have stated Mr. Britten said he was convinced there was a fire and that Mrs. Britten would not get up for some time ; this conversation took place on carriage-way in front of the house ; the conversations that night with Mr. Britten took place principally on carriage-way in front of house ; I know no one was with us in the conversation, but whether persons passed by and heard I cannot say ; I do not know of any person being present at any of the conversations between myself, Mr. Britten, and Mrs. Britten ; I do not know of any person who can corroborate my version of the conversations between us on that night ; the first conversation with Mrs. Britten on night of fire took place under the Bungoli pine-tree ; I asked her to come to my house ; Mrs. Britten was there, and other persons ; there were some females there ; I don't know whether Jessie Burton was one of them ; I know a woman named Miss Barwell ; I did not recognize who they were ; I don't know whether Mrs. Britten was sitting under the tree in front of the hall door or not with her son and Jessie Burton ; they might have been near Mrs. Britten all the time I was there under the tree ; I really do not know whether they could have heard the conversation ; they must have heard some ; I spoke to Mrs. Britten, and then went away ; I said to Mrs. Britten, " Will you go to my house ;" I don't know that Mrs. Britten used the words " No, thank you ; I'm all right here ;" I went away subsequently, and returned ; when I returned I asked her again to go to my house, and she consented ultimately ; I don't know how long she had been under the tree ; on both occasions when I came to Mrs. Britten I won't say she was sitting on a chair ; I believe two females were there, and all that occurred under the tree could be heard by them ; I asked Mrs. Britten if she would go to my house, and if so, Mrs. Manning should prepare a bed ; I said that was no place for her ; Mrs. Britten did not go with me the first time I spoke to Mr. Britten ; he went on the second occasion ; I was speaking to him between carriage-way and front door, about 20 feet from where Mrs. Britten was sitting ; I asked Mr. Britten to persuade Mrs. Britten to go to my house ; he went over with me to Mrs. Britten ; I will not say the same two women were not there ; we both spoke to Mrs. Britten ; whether he or I spoke first I cannot say ; I asked Mrs. Britten to come to my house ; " This is no place for you, and you can do no good " Mr. Britten said, " I think you had better go ;" I have related all the conversation on the two occasions about going to the house ; Mrs. Britten got up reluctantly and went away ; I don't recollect at this moment any further conversation at the first interview or at the second ; I had no other conversation until we walked away ; I have sworn that " when we went over, Mrs. Britten said that when Mr. Britten called her she would not get up for some time, because Mr. Britten was always calling out at night, saying the place was on fire " ; I did not mean to infer that the conversation took place under the tree.

MARCH 2, 1887.

Referring to statement made by defendant to Cocking, he denies the conversation as stated by me between me and Mr. Britten and Mrs. Britten and myself, and I see defendant's statement is to this effect " I did not say that my wife would not get up when I awoke her on the night of the fire, and that she said I was often waking her up and telling her that the house was on fire ; this is a contradiction to what I have sworn ;" Detective Cocking handed me Mr. Britten's statement at the time I gave him mine ; I merely looked through the statement and handed it back again ; I am sure I must have had a conversation with Cocking previous to that, in which I said what occurred on night of the fire, and when I must have related the conversation between me and Mrs. Britten ; judging of defendant's denial of my statement, Cocking must have told him what I had said ; I never told defendant what Mrs. Britten had said ; I cannot name any person who can corroborate the conversation between Mrs. Britten and myself at that particular time ; I say that Miss Barwell, Jessie Burton, and Ted. Benson, a shopkeeper at Ryde, were not present at all the conversations between Mrs. Britten and myself and defendant ; all the conversations that took place between Mrs. Britten, myself, and the defendant did not take place under the tree in front of parsonage ; the defendant did not leave us, but accompanied us partly to the gate ; Mr. Britten walked about a 100 yards with us ; I have not made inquiries as to whether any witness can corroborate me in this respect ; I know Miss Barwell and Benson to be truthful persons ; Mrs. Burton I know nothing about ; the conversation that took place under the tree with Mrs. Britten was that she ought not to remain under the tree ; I urged her to go to my house ; I do not recollect speaking to her about anything else under the tree ; when I gave evidence in former part of my examination-in-chief, and referred to Mrs. Britten under a tree in front of house, I did not intend the Bench to infer that all the conversation took place under the tree ; I did refer to a conversation other than that under the tree ; I referred to the conversation between Mrs. Britten, Mr. Britten, and myself, when we were going towards my house ; I have given evidence of a conversation between myself, defendant, and Mrs. Britten in a place, not under the tree, but the place is not named ; whatever conversation took place at another place than under the tree I have no one to corroborate my evidence ; when I spoke to defendant about the late steamers and 'buses that night of the fire, he had a knowledge of them the same as I had ; I did not particularly examine the house on night of fire ; the stables were lighted up and the drawing-room with the fire ; I do not think I went into the drawing room ; I said on the following morning, there is a hole in the ceiling which was not there the night previously ; I swear distinctly, I looked into the drawing-room and saw there was no hole in the ceiling ; I had not been told there was a hole in the ceiling ; I heard Beatty fell through the ceiling some time afterwards accidentally, and Mr. Britten may have done the same ; when Mr. Britten said " I think I must have set fire to the place," he referred to the fire on the ceiling over the drawing-room, and that was in answer to a question of mine ; I do not know if any one can corroborate this statement ; no one can confirm my statement that Mr. Britten said " I do not think my furniture is insured ;" as to the fire-balls I saw on the Saturday morning, which was the first and only time I saw them ; Beatty took them up ; I remarked they had not been there the day before ; I said, " This comes of the remarks of Mr. Terry yesterday about fire-balls ;" I cannot say I saw kerosene dropping from

from them, but they were saturated, and I do not think they had been there half an hour; I have never experimented with kerosene on grass; I am quite sure the globules were not water but oil, as it was only on the patch where the balls were that the globules were on the grass, and the grass was there a much darker colour; I did not see any kerosene lying about in any vessel; there was no necessity for my attendance at the fire on the night it occurred; I cannot say that Mr. Britten did not assist in removing the furniture and give directions for its removal; I did not see any necessity for Mr. Britten removing any, as many people were about; I did not assist to do anything on the night of the fire; I remained over a half-hour, and longer than that the second time after taking Mrs. Britten away; on the Saturday morning after fire I and the sergeant looked about to see if we could find any canvas to match with the fire-balls; it is very possible that I took up materials to see if they would match with the fire-balls; I won't say I did not lead the way; Beatty went one way and I another; I picked up some materials and I swear that Beatty did too; it was no part of my duty as Coroner, as it was the day after the inquest; I was not by these means trying to make evidence to criminate the defendant; our search for the canvas had nothing to do with defendant; defendant was about the premises; I did not tell him I was going to search; we looked in a yard at the back, and in a wash-house, and near the stable; I had a conversation on this Saturday with Mr. Britten in the hall; in the back portion of hall, between back door and spare bed-room door; I think it was late in the forenoon; it was in the forenoon some time or other; so far as I can recollect I was only on the premises once that day; I don't recollect seeing Mrs. Britten that morning; I am quite sure I was in the hall that morning, and it was then I had the conversation with Mr. Britten about the oil; there was no water in the hall on Saturday morning; there was a great quantity of kerosene on the floor; I am not aware that anyone but myself saw the kerosene on the floor; on the morning of the inquest I don't recollect being in the hall; I think it was the same morning that I went to look for canvas that I was in the hall; on the Saturday I asked the defendant where he kept the kerosene (I am sure this was after the inquest); he took me in the house and showed me; it was kept under the staircase; I did not notice the wall as to its thickness; I saw kerosene stains on the staircase; there were no traces of fire at all on stairs; it would be a favourable place to set the place on fire; I only saw large stains of kerosene oil; I could not possibly say that the kerosene was drippings or leakage; Mr. Britten said Mrs. Britten might have done it when removing the drum for safety on night of fire; Mrs. Britten appeared on the scene subsequently, just as Mr. Britten made that remark; the defendant's wife on that occasion did not use these words, "You (addressing her husband) might have spilt some oil when you were getting it out to use with a syringe on Saturday last;" but she used the words I gave in my examination-in-chief Mrs. Britten said, "You," meaning her husband, "are much more likely to have done it when you were spurting it about with a garden syringe;" I did not speak to Mrs. Britten about this; I looked round at Mr. Britten and said, "What is that about syringe;" he said, "I was syringing my plants;" I have no copy of written statements given to Detective Cocking of my evidence; it is very likely that I have repeated my evidence to-day in the same words I gave in my evidence-in-chief; the reason I can speak positively about things in my written statement is because I have spoken of it so repeatedly, and I duly considered it before committing it to paper; as to other matters and occurrences of which you ask me, I cannot speak so positively; when Mrs. Britten made the observation about spurting the oil I did not know what it referred to, whether the water-closet or any other place; I don't know whether Sergeant Beatty was present when I stated to defendant that I fancied it was the opinion of Jury that there were only two people who could have set fire to parsonage; the whole matter as to the Jury finding or naming some person as to setting the place on fire is only my opinion as to what the Jury would have done under certain circumstances; in that part of my evidence where I told defendant I was doubtful whether he was responsible for his actions, and that if he were, he tried to burn the parsonage to get the £500 insurance on his furniture, in order to enable him to leave the parish which he had made too hot to hold him; this is a matter of opinion on my part only; I did not intend to charge defendant with having set fire to the place; I have stated that, on account of the great heat of fire a drawing-room, some combustibles had been placed there; I cannot say that kerosene had been applied, but there was a great quantity of smoke which is a sign of kerosene; the burning of kerosene emits a fatty smell, but the fire that night was too dense to detect the smell of kerosene; Mr. Samuel Small was foreman of inquest; he has never told me of opinion of Jury as stated by me; I am not aware that he has stated that there was no evidence before the Jury to justify them in naming any persons as offenders; when I stated I fancied it was the opinion of Jury as previously mentioned; I can't say who told me anything about it; I will not say it was any of the Jury, but I arrived at that conclusion because I had it from some one whose name I cannot mention; there was so many speaking to me about the inquest; I did not hear that any of the Jury said at or before the inquest that no person could be named as having set fire to the place; none of the Jury said either at or after the inquest that it was one of two people who had set fire to parsonage when I have stated it was the opinion of the Jury with regard to the fire; it was not my own opinion or conviction, two of the jurors told me after the inquest; (I am not aware defendant was present); Fisher and Beatty had the conduct of the inquest, no one asked me to adjourn the inquest; in our letter of 22nd January last to the churchwardens the same is merely an expression of ours as to Mr. Britten's, as to him being the person who set fire to parsonage; the letter was not written in vindictive spirit, and would not have been written if Mr. Britten had ceased to do duty in the parish; no charge was laid then against him by the Crown; I caused the church property to be insured in 1881 in the name of the Church authorities; I said I did not think the furniture was worth £500, and I am not aware Mr. Fisher has stated that it is worth between £500 and £600; if by our charges as nominators we could have had Mr. Britten removed, we as nominators would have had the power to recommend a minister to the Bishop, but in writing letter referred to to the churchwardens we simply asked them out of consideration to us, and the clergyman himself to get a *locus tenens* to the work, while Mr. Britten was under a cloud; our letter to churchwardens does not contain any charges against defendant, neither do any letters to the Bishop contain any; the letter to Bishop wished for removal of Mr. Britten from the parish; if the incumbent left the parish he would not have the privilege of nominating his successor without reference to nominators; I know a reward has been offered for the persons who set fire to parsonage; I wrote out a public notification of the reward copied from the *Telegraph* paper; I asked the sergeant if he had any placards, he said he had none; I never asked the grocers in village if they had supplied the defendant with kerosene oil; I produce copy of letter to Primate, dated 8th September last, written by myself.

By

By Mr. Pring, in cross-examination: I have been asked several times whether my actions were not characterized by malice and vindictive feeling towards defendant; it is quite untrue that my actions were so characterized or influenced by any spite or malice against defendant; defendant returned from England last year a short time before Easter; I was one of the first who called on him after his return, he himself has stated I was the first; one of the last things defendant did before he left for England was to christen my youngest child; after his return from England, and immediately before the Easter meeting, he pressed me to become his churchwarden for the then coming year, which I declined, having had a previous unpleasantness when acting in that capacity; he at the same time expressed his great regret at past occurrences; that he knew he was entirely to blame, and had always been sorry for what had occurred in August last year; defendant buried my eldest son; I should not have allowed him to do that if I had anything against him.

Sworn before me, this 2nd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

JOHN E. MANNING.

MARCH 3, 1887.

*Constable J. Harper, on oath, states:—*I remember on night of fire seeing Mr. and Mrs. Britten and Mr. Manning talking together in front of the house; I afterwards saw them walk towards the gate; Mr. Britten did not I think go as far as the gate; he afterwards returned and spoke to me; I first went in the pantry about 3 a.m.; I noticed one or two small flower pots resting on the sill inside, I think there was a board underneath; in one pot was a plant about 6 inches high.

By Mr. Roberts: I have had conversation with Mr. Manning since yesterday, in no way relating to evidence now given; I had the conversation outside the Court; it was not (I think) after the adjournment of the Court, it was after Mr. Manning had concluded his evidence yesterday; I believe I was in Court during the whole of Mr. Manning's cross-examination; Mr. Manning spoke first to me, not on the matter I have referred to to-day; he asked me did I see him on morning of the fire; I said I did, and that is all the conversation I had with him; I knew before coming into the witness box to-day what evidence I was to give; I did not tell Mr. Manning what evidence I was to give; I never mentioned about the flower pots to anyone except Mr. Pring, and that was four or five days ago; I saw Mrs. Britten under the tree; I cannot say whether she was sitting or not; I saw her standing there about half an hour, I believe; I am sure there was one or two women, viz., Miss Barwell, and Mrs. Burton; I will not say there were not other persons there; I heard conversation between Mr. Manning and Mrs. Britten under the tree; some of the conversation was as Mr. Manning has deposed to; I was standing in front of the hall door for ten minutes or a quarter of an hour; the fire was then extinguished; I was looking at them all the time; I was left to protect the room; I won't say that Mrs. Britten was not seated; the people I referred to before were present when the conversation took place; I was 10 yards away; people nearer would have a better opportunity of hearing than I should; since I have given evidence I have heard nearly all evidence since given; I have not read reports of the *Telegraph*; I have not committed to writing what I heard that night; all the conversation I heard between Mrs. Britten and Mr. Manning was under the tree; I heard Mr. Manning and Mr. Britten advising Mrs. Britten to go to his residence; no allusion was made under the tree by Mrs. Britten about her husband; Mr. Manning advised Mrs. Britten for some time to go with him, and after some time she consented; I had been to a dinner that night, but I had no liquors of any kind.

By the Bench: The fires were extinguished when I got there, except the stables; there was a great flame and I threw the four buckets of water into it; the drawer was open for a few inches.

By Mr. Pring: The bottom of drawer was burnt.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

J. HARPER.

*Sarah Harriett Parrott, on oath, states:—*I know Mr. Manning; I have known him for many years, he has always behaved courteously to me; I know Mr. Britten and the parsonage at Ryde; I attend St. Anne's Church, I have sittings there; I recollect the inquest on fire about 11th November last; on the 9th January Mr. Manning had some conversation with me; I had returned from church that morning; I live near Mr. Manning, at St. Anne's School; Mr. Manning brought me over a basket of peaches; it was about 1 p.m.; I had not taken my bonnet off; Mr. Manning asked who had taken the service that morning, I said, "Mr. Middleton assisted by Mr. Britten;" he then said, "Mr. Britten had no right to take the service;" I said, "For why?" he said, "Because he is under a cloud;" I made answer I did not see that at all; Mr. Manning said he was convinced that Mr. Britten had burnt the parsonage; I said I felt assured otherwise; he said I was the only person, or one in the district who thought so; I said I knew a great many or number of the same opinion as myself; one of the children was coming in the passage, and Mr. Manning said that during the conversation he ought not to be there, and the boy, about 12 years of age, went away; Mr. Manning walked further away from door in varandah; the child is one of two wards I have living with me; Mr. Manning made a remark that I would think very differently by and by when I heard all the evidence; then he made a statement about Constable Harper, that he had seen Mr. Britten light one of the fires; I said, "Then why did he not arrest him?" Mr. Manning said, "He ought to have done so;" I don't know why; there was more conversation, and he talked so rapidly that I don't recollect them; the next remark was that he, Mr. Manning, did not do his duty on the inquest as Coroner, but, however, I will not leave a stone unturned to convict him; I said, "Oh, don't say that Mr. Manning, think of his wife and family;" Mr. Manning said, "I have great sympathy for his wife;" I have stated all I can recollect regarding the fire; Mr. Manning said if Mr. Britten had left the parish after the inquest, nothing of this would have come; I have known Mr. Manning about nine years; I have known Mr. Britten twelve years; I never knew him to suffer from aberration of mind; Mr. Manning did not say if Mr. Britten had left the parish when parishoners wanted him to we should not have had all this trouble; he did say that Mr. Britten said several times he would go, and it was a pity he didn't for his own sake; I was first spoken to about giving evidence when I was subpoenaed; I do not remember who served the subpoena; it was served the week before last; I attended here last week; before
the

the subpoena was served no one asked me what evidence I could give; I had made remarks before I got the subpoena; I made them on different occasions, because I heard Mr. Manning was speaking to every one round that he was not Mr. Britten's enemy, and he told me himself that he was not an enemy; I did not believe this statement, because it did not tally with what he told me.

SARAH H. PARROTT.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Walter Hibble, on oath, states:—I have been examined as a witness for prosecution; I recollect the night of fire; I saw Constable Harper there; I saw Mrs. Britten in the front of house under a tree; I saw her continuously for an hour; I saw her son with her, Mrs. Burton, and about a quarter of an hour later I saw Mrs. Benson and another lady sitting with her; Harper was talking most of the time to Mr. Swan, and Mrs. Britten was seated for fully three-quarters of an hour; I saw Mr. Manning there after fires in house were extinguished; he was talking to Mrs. Britten; I was near at the time Mr. Manning was standing by; previously I had a conversation with Mr. Manning; in carrying water to front Mr. Manning came up to where Mrs. Britten was sitting; Mr. Manning then had conversation with her there; he said, "This is no place for you to be here, Mrs. Britten, you had better go to my house;" Mrs. Britten said, "No, thank you, I'm all right here;" Mr. Britten was not there then; I did not hear Mr. Manning have any other conversation with Mrs. Britten that night; Mrs. Britten spoke to me under the tree; Mr. Britten directed Mr. Locke and myself to put out the fire in spare bed-room, and told us of fire in drawing-room; Mrs. Britten told me she had decided to go to Mr. Manning's, as there might be some good in the man after all, and she decided to go; I did not see her go; I returned from Jordan's in a short time and met Mr. Britten in his bed-room; Harper could have seen Mrs. Britten sitting under the tree from the door; the night was clear as day; Mr. Britten was not present when she stated to me she decided to go to Mr. Manning's; Mr. Britten was in the house at this time; I believe Mrs. Britten must have gone while I went to Jordan's, for she was gone when I came back; I left water near the door of spare bed-room; I think Mr. Britten or someone else—I think Mr. Norris, or Mr. Locke; these two were carrying water to leave in case of the fire breaking out again; originally I had a dipper, then I got a bucket, and I left the bucket three parts full in the hall; I was examined at inquest; I saw Harper outside the Court; I heard of statements he could give about the fire on the morning of the inquest; they were openly spoken of both at and after the inquest, also Woodcock's evidence; I did not see anything in Mr. Britten's conduct or appearance to lead me to suppose he was suffering from mental or physical ill-health; Mr. Britten did not assist in putting out fire, but he assisted in directing the workers; there were nearly 200 people there; when we were extinguishing the fire in spare bed-room, Mr. Britten took us round to drawing-room and directed the extinguishing of fire there; I saw Mr. Manning there; he rendered no assistance to put out the fire, nor assisting in any way; I heard conversation between Mr. Britten and Mr. Manning; about five minutes after he arrived he said to Mr. Britten, "How do you account for this; this is a nice state of affairs;" Mr. Britten made some casual remark and passed on; Mr. Manning said, "The congregation may thank me for having this place insured, Britten;" I did not hear any conversation between Mrs. Britten and Mr. Manning to the effect that when Mr. Britten called her she would not get up for some time, because Mr. Britten was always calling at night, saying the place was on fire, or that she said she did not know what had been the matter with Mr. Britten lately, his head had been so bad; if the conversation took place I should have heard it; I heard no such conversation that night; Mr. Manning was only talking twice to Mrs. Britten; before going to his place she said she would ask her husband first, as she was not going with her own will; the conversation between me and Mr. Manning took place between stable and house; I was in all parts of the place, more especially in front of house; I did not see Mr. Manning and Mr. Britten holding any conversation in front of the house at any time that night.

By Mr. Pring: I gave evidence on second day of this case being heard, the 15th February; I have seen Mr. Britten's brother since that time; I met him coming up on the 'bus; I made an appointment voluntarily to meet him on account of a report I saw in the *Daily Telegraph*; he came to my house; he was there nearly an hour; he made no suggestion to me, but I made suggestions to him; my object was to get a confirmation of Mr. Manning's evidence as I had read it in *Daily Telegraph*, because that portion of it in *Daily Telegraph* in reference to the conversation under the tree was untrue.

By Mr. Roberts: The conversation I have referred to as taking place under the tree is false, utterly untrue.

WALTER HIBBLE.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Jessie Burton, on oath, states:—I have already given evidence for prosecution; on the night of fire I was with Mrs. Britten under tree in front of house; she was sitting on a box, or some things which were carried out, I was sitting at side of Mrs. Britten; her boy Frank was there; Mrs. Norris, Mrs. Benson, and nurse Barwell were also standing there; I saw Mr. Jackson there; he came up; I thought I was seated there three quarters of an hour; the other persons named were also there that time; Mr. Manning came over to Mrs. Britten, he said, "You should not be sitting here;" she said, "I am all right, thank you;" he pressed her to go to his place to stay; he stayed a few minutes pressing her to go away, then he left and went towards front of house; I did not see him again for some time; he returned, Mr. Jackson was just behind him; they came to where Mrs. Britten was seated; Mr. Manning asked Mrs. Britten again to go, and said he would bring his buggy; Mr. Jackson also advised Mrs. Britten to go with Mr. Manning; Mr. Britten came up then, and Mr. Jackson said "We are just advising Mrs. Britten to go to Mr. Manning's;" Mr. Britten then said, "You had better go down with Mr. Manning;" Mr. Britten went towards the front door, and did not return to where Mrs. Britten was while I was there; I did not see Mrs. Britten go; I went to back of house looking after my things; when I went there I saw Mr. Britten there with some men; while Mrs. Britten was in front; I left the back yard while Mr. Britten was there; from the time I left Mrs. Britten in front until my return from

from back yard was not more than 5 minutes ; when I returned to front I found Mrs. Britten had gone ; I did not see either Mrs. Britten or Mr. Manning ; I did not, when under the tree, hear Mrs. Britten say that when Mr. Britten called her she would not get up for some time, because Mr. Britten was always calling at night, saying the place was on fire ; nor did she say that she did not know what had been the matter with Mr. Britten lately, his head had been so bad ; Mr. Britten could not have gone away with Mrs. Britten and Mr. Manning, as Mr. Britten was in the back yard when they left ; I saw Mr. Manning on the morning after the inquest in the back yard ; I came out of the back door of house, and I saw him in back yard ; I did not see him in the passage ; I went into the kitchen ; I did not see him enter the hall ; Mr. Manning was looking about the house ; He went to the wash-house and put up his hands to his face and looked through the window ; he was alone at the time ; Sergeant Beatty afterwards came up ; they appeared to have some conversation together ; I then went in wash-house to do some work ; Sergeant Beatty came there ; he came to the wash-house, and put some questions to me ; Mr. Manning put no questions to me ; the morning of the day of the fire, about 9 o'clock, I saw Mr. Manning bring Mrs. Britten home ; I saw Mr. Manning, Mr. Britten, and Mrs. Britten in the passage near the spare room ; there was only one occasion when they were all present in the passage ; they all walked from front to back ; they looked in spare room first ; I was going towards back door ; they were looking in spare room ; I was laying Mr. Britten's breakfast at the time ; I intended going into the kitchen, but when I got near the door they were standing there, and I could not pass out, so I went in a little room opposite the stairs ; the door was open, I heard a conversation ; I was 6 or 7 feet away : Mr. Britten spoke, but I could not hear what he said, but Mrs. Britten said " If there is any oil spilt there it must have been done when you were getting oil for the syringe ; " the three then passed out the back door ; Mrs. Britten did not say " You are much more likely to have done that when you were spurting the oil about with a syringe ; " on the night of the fire there was soap-suds in the chamber, but they were gone in the morning, also some I left in a jug ; there was room between the mangle and end of window for a man to have got in the pantry ; on the morning when Mr. Manning came over with Mr. Britten there was a lot of water in the passage, but I did not see any kerosene ; there was no fire where the kerosene is kept ; during the progress of this case, Mr. Manning has had a conversation with me ; it was in the magistrates' room ; he asked me how long I had been with Mr. Britten, and whether I was in his service before he returned from England ; he also asked me if I had seen anything in his manner that he was not right in his head.

By Mr. Pring : I left Mr. Britten's service about 21 December last ; I went to the Manning River, to Tinonee ; I had relations—my mother and sister live there ; I was there for three weeks ; I went from there to Muswellbrook ; I stayed there about ten days ; I came back from there to Mr. Britten ; I did not get any letter or message from Mr. Britten or Mrs. Britten ; I went away for a holiday, in December ; I took my child with me ; I know Mr. Hibble ; I was speaking to him in the Court-house at time of inquest ; I was nearly crying when I spoke to him ; I was very nervous ; I said I wished the case was over ; the oil-cloth was not taken up until several days after the fire ; I swear the oil-cloth was on the floor on Thursday morning when Mr. Manning was there ; Mr. and Mrs. Britten and Mr. Britten's brother have all spoken to me about the case since I gave my evidence the other day, especially about Mr. Manning.

By Mr. Roberts : I left my things behind me when I went away for a holiday ; they remained until my return ; during my absence I got an extension of my holiday.

JESSIE BURTON.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

John William Norris, on oath, states : I have given evidence in this case for Crown ; I was one of the jury at inquest on fire ; I was at the fire on 10 November ; I remained till all was out ; I know the spare bed-room side of staircase ; when I left there were two buckets full of water left near the door of spare bed-room ; I left at 2 a.m. ; I know the verdict returned by Jury at inquest.

By Mr. Roberts : Did jury at inquest on the fire express the opinion that there were only two people who could have set fire to the parsonage, or did they give any opinion at all ?

Mr. Pring objects to the question.

The Bench decided the question can be put.

No such opinion as above was expressed by the Jury at the inquest at time of giving their verdict, or in my hearing.

By Mr. Pring : There were many people at parsonage when I left.

JOHN WILLIAM NORRIS.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

William Thomas Trevitt on oath states :—I have already been examined in this case ; I am a carpenter ; I know the pantry window ; when the same is open it is about 2 feet 10 inches by 18 inches ; when open any ordinary sized person could get through ; anyone could, outside, without the slightest difficulty reach to the shelves ; the mangle had castors, and could be easily moved by a person outside ; I know the place where kerosene is kept ; the wall separating it from spare room is about 1 foot thick ; I saw the bookcase after the fire, on Thursday morning, about 7.30 ; the case contained books ; I did not notice any books burnt, but did not examine case sufficiently to see if there were stains of smoke ; there was a drawer in the case which had to be pulled out at both ends ; there had been a fire in the drawer ; if there had been flames coming from the drawer of course it would have left traces of fire ; I examined it two or three weeks ago but saw no traces of fire ; I know the buggy-house and water-closet ; they were close together ; the water-closet is brick and the buggy-house weatherboards ; I did not examine to see if there was any space between water-closet and buggy-house ; I went up on the roof where fire took place over drawing-room ; I have been there since, making repairs ; I found loose shingles, dead leaves, and twigs when I knocked the plaster down ; they had been there for many years ; they had not the appearance of having been put there lately ; they were scattered all over the place ; the night I left work in the drawing-

drawing-room I left a lot of chips scattered all over the place ; I did not see them afterwards ; I never looked for them ; there was a hole burnt through the ceiling of spare bed-room, just over the bed ; I did the repairs to this room ; the burning was a recent one ; the board produced is one taken from the ceiling of spare bedroom ; I did not trace any kerosene about the fire ; I have examined the passage lately, and the stains are now as they were several years ago ; I took the board down shortly after the fire ; I know it is the board I took down.

W. T. TREVITT.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Thomas Gascoigne, on oath, states :—I am a boat-builder ; I live at Beaconsfield, Ryde ; I have lived at Ryde for twenty-seven years ; I went to the parsonage on the morning of Thursday, the day of the fire ; I went with Woodcock ; I saw Mr. Britten and Constable Harper ; they were looking at a buggy that had been destroyed by fire ; we left and went to the stable ; Mr. Britten was a few yards ahead of us ; we stood for a while, and then went to the bow-window ; I heard a noise upstairs, as if some one was walking on the joists overhead ; I saw some mortar fall from the ceiling ; I looked and saw a boot drawn up ; we immediately left, and went into the hall ; we were looking in spare bed-room ; I heard Mr. Britten sing out, "Harper, I think there is a spark here ;" we all ran upstairs ; I was the last up ; I have seen Mr. Britten come out of the trap-door with a chamber in his hand ; he said, "Harper, get some more water, there is some in a jug in the other room ;" Harper got it, and Mr. Britten used the water ; he said, "I think it is all right now ;" Harper stooped down and said, "I think it is."

By Mr. Pring : I did not hear any knocking over ceiling before foot came through ; I saw the foot come through twice, as if a man had stumbled ; it came through on both occasions at same spot ; I did not notice any hand put down through the hole ; Harper was a few yards ahead of me in the hall when I heard the voice calling for water ; Harper went first upstairs, Woodcock next, and I was last.

THOMAS GASCOIGNE.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

James Gordon, on oath, states :—I am a carpenter and undertaker ; I reside at Ryde ; I was a jurymen at inquest on the fire ; Mr. Manning wrote the verdict the Jury gave ; some days after Mr. Manning had some conversation at my place, he said he thought the verdict would have been that the place was wilfully set on fire by some persons in the house ; I would not have consented to such a verdict ; forty-six years ago I did the work of the drawing-room ; I was at the fire ; I live nearly opposite ; I and my son ran over at once ; I saw Mr. Britten helping all he could ; I did not see anything strange in his appearance that night, he took it more quietly than some of us did ; I am a valuator of furniture ; I see an inventory now produced ; I know the things were there after the fire, the prices were not put by me ; the books were rather a difficult matter for me to judge about ; I consider the value of the goods to be £1,086 5s. 6d., this is for the whole of the goods mentioned in the list, for some of the furniture I could get more by auction for them ; I have marked down for it, it would cost the price set opposite of each to replace them new ; I would give £600 or £700 for the furniture, and would make a profit of £100 out of it, although the times are bad.

By Mr. Pring : I don't know whose writing it is ; the document was handed to me by Mr. Britten, and Britten's brother ; I have got as high as £50 for piano, that was valued at £110 by the owner ; I have not sold a piano for last four or five years ; I don't know how old the piano at parsonage was ; I was told the piano was worth £60, and I took it for granted, it was correct ; I also took it for granted that £40 was the value and was correct at £40 ; the suite of furniture would realize the amount of £35 by auction ; I saw £35 set against it in exhibit No. 1, and I took it for granted that it was a correct valuation ; I am serious when I said the whole was worth £700, and I would give that for it to-morrow ; I saw the jewellery and pictures ; they are worth the amount I have placed against them.

JAMES GORDON.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Isabella Barwell, on oath, states :—I am a nurse, residing at Ryde ; I have been here for five years ; I was at parsonage at night of fire ; I saw Mrs. Britten sitting under the Bunyah-tree ; we were under the tree for about an hour ; I saw Mrs. Britten leave with Mr. Manning, they went away together ; Mr. Britten was not there ; Mr. Manning asked Mrs. Britten to go to his house ; this is all the conversation I heard between Mr. Manning and Mrs. Britten ; Mrs. Britten refused, she said she would rather not ; Mr. Manning returned in a short time with Mr. Britten ; he simply asked Mrs. Britten again, she accepted the offer, and Mr. Britten went away ; I did not hear Mrs. Britten say she would not get up when Mr. Britten called her ; she never said that when Mr. Britten called her she would not get up for some time, because Mr. Britten was always calling at night, saying the place was on fire, neither did she say that she did not know what had been the matter with Mr. Britten lately, his head had been so bad.

ISABELLA BARWELL.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Sydney A. Benson, on oath, states :—I am a storekeeper, Church-street, Ryde ; I have been in business for four years ; I was born in the district ; I am a married man ; I was at parsonage on night of fire ; I remained there till the fire was put out ; I left at 2:30 ; I know the spare bed-room ; I put a bucket of water near door of spare bed-room, and Mr. Clifton put another bucket of water, and left the bucket there ; I saw the fire in the lobby was put out ; nearly all the people had gone away then ; the buckets of water were there when we left ; I observed the ceiling in spare bed-room had been burnt through ;

through ; some time after, the fire was burning, and the hood and curtains at head of bed caught fire and ascended to ceiling ; the spare bed-room was stacked full of furniture ; having regard to all the furniture, no one could have got to the bookcase very easily, and not without getting over the bed ; there was a chest of drawers between the door and bookcase ; Mr. Britten had his coat off, and was working a great deal more than many there ; they were only looking on ; I was at a Masonic supper that night of the fire, it took place at Steam Boat Inn, Ryde ; Constable Harper was there ; he had some ale and some gingerbeer ; it was bottled ale he had ; I don't know whether he had more than one glass of ale ; I have known Mr. Britten for ten years since he has been in this parish ; I have never known him to suffer from aberration of mind or monomania in any way ; I saw Mr. Manning on night of the fire ; I saw him by the well and the back of the house, and under the tree opposite front door ; I saw Mr. and Mrs. Britten there ; I saw Mr. Britten leave there ; Mr. Britten and I were bringing things from the house to save from the fire ; I saw Mrs. Britten go away ; after some time she went away with Mr. Manning, and Mrs. Britten went towards the house, and made an observation at the time.

By Mr. Pring : I had some ale, about two glasses bottled ale ; there were twenty-two or twenty-three at banquet ; one long table ; I was acting as steward ; I had to keep an account of the bottles they had emptied ; I was sitting about the middle of the table ; Harper sat a little lower down at opposite side ; I believe Mr. Norris, storekeeper, was sitting on my right hand ; I think Mr. Renwick was sitting on my left ; Norris drank some ale and porter, bottled ale and porter ; Mr. Renwick I think drank lemonade ; I was first asked what Harper drank when Detective Cocking was making an investigation at parsonage about five weeks after fire : I think it was Mr. Britten who asked about the drink ; I said to Cocking that I thought I had supplied Mr. Britten with a tin of kerosene shortly before the fire, but the boy who I thought supplied it was away for holidays ; before the boy returned neither Mr. Britten or any one from the parsonage had any conversation that I can remember ; Mr. Britten sent for me when Detective Cocking was there ; Mr. Cocking asked me about the kerosene to look over my books, or directly the man came back to let Sergeant Beatty know if Mr. Britten had had any kerosene of late ; I told Detective Cocking of some kerosene going over to Mr. Britten, whether it was to him or St. Anne's church I did not know ; I won't swear I did not say a distinct recollection while Cocking was there ; I looked over the books ; I could find no record of any since July ; I said I would ask the boy when he came back ; the bed was at side of wall dividing the dining-room from the spare bed-room ; Mr. Britten and Mrs. Britten and Mr. Manning did not go to the gate together ; I know they did not, because Mr. Britten said to me, " You don't mind Mrs. Britten going to Mr. Manning's place ;" he said, " It was very kind of you to ask her to your place, but if you will take the boy Frankey over I will be much obliged ;" I had asked Mrs. Britten to my place before Mr. Britten had told me of Mr. Manning's invitation.

S. A. BENSON.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

*Phillip Robert Young, on oath, states :—*I live in Church-street, Ryde, opposite the parsonage ; I recollect the night of the fire ; Mr. Britten's son, a young lad, came and called out there was a fire at parsonage, and to come as quick as I possibly could ; I went over immediately ; I saw a fire there ; I saw Mr. Britten, he was taking the goods out of the house and asked me to assist in helping him ; Mrs. Britten and the servant were there ; I was the first there I think ; I saw no one else there ; I have known Mr. Britten for many years ; I have not noticed any aberration of mind or monomania on his part.

By Mr. Pring : The gate was shut when I went in, I opened it by lifting the latch ; I did not see any strangers there when I first got there ; I afterwards saw Mr. Hibble ; Mr. Hibble did not knock at my door to wake me up.

PHILLIP ROBERT YOUNG.

Sworn before me, this 3rd day of March, 1887,—

HALEY C. D'ARDIER, J.P.

*Alfred Barry, on oath, states :—*I am Bishop of Sydney ; I have known Mr. Britten for about three years ; during that time he has been incumbent of St. Anne's, one year of which he has been on a visit to England ; I have been invited, or it has been suggested, that it would be for advantage of parish if Mr. Britten ceased to be incumbent, and I have been invited to take such steps as might be in my power for that purpose ; Mr. John E. Manning was one of the persons who suggested this matter ; I called on those wishing for defendant's removal to bring forward any charge they had against him ; on inquiry I found that there were certain charges of what appeared to me of a petty character in relation to various money transactions, and I pressed those whom I knew to have mentioned such charges to bring them before me in a formal shape substantially proving them by evidence ; this invitation was not accepted ; I sent the invitation to Mr. Manning ; no charge of any kind was substantiated against the Rev. H. Britten ; an inquest was held on the fire at this place ; on hearing of the inquest that it had not set the question of the fire at rest, I made an offer to churchwardens that I would preside at a meeting at which any charges against Mr. Britten in relation to the fire and other points might be brought forward ; the meeting was held ; Mr. Manning was present, but took no part in proceedings ; a discussion took place, when Mr. Terry moved a resolution, which was carried by a very large majority, " That a vote of sympathy to Mr. and Mrs. Britten under the great misfortune which had befallen them through the fire ;" I believe no hands were held up against, that I can remember ; I have never noticed any aberration of mind or monomania with defendant ; I believe him to be a person of good character and position in the ministry, and so far as I know of irreproachable character and incapable of committing such an act ; Mr. Britten had previously to the fire wished for an exchange and I approved of ; Mr. Manning showed determined hostility to the defendant.

By Mr. Pring : My acquaintance with Mr. Britten is for two years, Mr. Britten being in England one year out of the three ; I was about twice or three times in this parish and then saw Mr. Britten ; my visits extended over a few hours each time ; I not unfrequently saw Mr. Britten in Sydney ; complaints in a tangible form reached me about six months ago, to the best of my belief ; one complaint was Mr. Britten had received a cheque from Mrs. Blaxland to give to Rev. Mr. O'Connor, and that he had not

not done so, in fact misappropriated it; I presume it did, but that charge was never ventured upon; the word misappropriation was not used in this charge; when I said I believed defendant to be incapable of committing such an offence, I judged from his being a minister of the Church and from what I knew of his character; I speak of Mr. Britten from general repute and from pastoral observation.

By Mr. Roberts: The cheque referred to was £1 5s.; I made enquiry; Mr. Britten was absolved from all blame; the cheque had been paid into the Church Society and duly accounted for; there was no foundation for complaint.

ALFRED SYDNEY.

Sworn before me, this 17th day of February, 1887,—
HALEY C. D'ARDIER, J.P.

9 MARCH.

Federick Chas. Jarrett, on oath, states:—I am a printer; I reside at Erming-street in this district; I am not a parishioner of Mr Britten; I was at a meeting at St. Anne's Hall subsequent to the Easter meeting; several charges against Mr. Britten were made; Mr. Manning was present; I took part in meeting after about an hour had elapsed; I considered the conduct of Mr. Manning so particularly offensive towards Mr. Britten that it required rebuke; he said Mr. Britten had resorted to dodgery and chicanery in calling the meeting; the meeting took place shortly after Easter; I said if Mr. Manning had a spark of gentlemanly feeling or respect for his office of magistrate he would withdraw the expressions he had made use of, and I would then move a resolution; he did so reluctantly, and—

Question:—Was a resolution of confidence put and carried at that meeting in favour of Mr. Britten? Yes; it was so put and carried.

On the night of the fire I passed through Ryde; the parsonage is in view of my residence; a little after midnight I saw a light being carried about the trees at the parsonage, it appeared to be a blazing light about two feet in height. I saw it move from place to place, and where the fire rested for a minute, it then apparently disappeared, after about five minutes I noticed an outline of fire, apparently a doorway or window breaking out; and becoming convinced it was fire, in or about a house, I secured a telescope and examined it carefully; the fire was then burning at southern end and back room of parsonage; I could see a faint light coming from the stables, but no flame; I had seen the fire carried to the stables, but when it got there it altogether disappeared, leaving only a faint light; I then saw people about, apparently extinguishing the fire; I afterwards saw, what I supposed to be the buggies, carried out burning; after the inquest on the fire and after attending the meeting at which the Bishop presided I had a conversation with Mr. Manning, the same was in connection with the fire and meeting; Mr. Manning said that the account I had given at the meeting about the fire must be impossible; he spoke of his assurance or conviction that Mr. Britten must have set fire to the house, and said if the Terrys had any regard for Mr. Britten they would get him out of the district as quickly as possible; I met him on a subsequent occasion in the train from Ryde to Sydney, about 8th December last, Mr. Manning pulled out a sheet of paper from his pocket which contained statements by Constable Harper and F. Woodcock, he gave them to me to read, and said, "I suppose that will change your opinion about the fire;" I said my opinion was not changed in the least; he told me he was taking the papers to the law offices; I said to Mr. Manning that I was satisfied the inquest was not properly conducted, evidence that could have been procured not being forthcoming; he then said he had not been able to get the sergeant to do his duty in the matter, but that he was applying for a special detective; Mr. Manning also said that the Jury were unanimously of opinion that Mr. Britten set the house on fire; he mentioned the names of Mrs. Britten, Frank Britten, and the servant, as being the only other persons in the house, and that they would not do it; Mr. John Bennett was in the train at this last conversation.

By Mr. Pring: I came that night from Sydney; I drove home all the way; I left Sydney about 11, to a minute or two, Sussex-street, I have a place of business there; the distance is, I think, fully 12 miles from my business premises to my residence; my residence is close to Mr. J. Bennett's "Brush Farm House;" I had a one-horse buggy; it is a good horse; I went along the road by Mr. Manning's residence; I was at Ryde long before the 'bus; I did not see Mr. Hibble that night; my house, in a direct line, is about 2½ miles from parsonage, more by the road; I saw the back room on fire through the window; the whole of window appeared to be illuminated; I could see the outline of the window by the light of fire inside; I first saw the blazing light in the south end of parsonage; it was carried round the back room or verandah and then to the stables; it was not carried about any more after that; I don't know who carried it about; my own observation showed me there had been a considerable fire at the parsonage; I did not hear anything of the inquest until after it was held; from what I saw that night, I was convinced it was the work of an incendiary; I gave no information to Coroner or police about it; I took no steps to ascertain when or where the inquest would take place; after Detective Cocking had finished the inquiry, I heard from Mr. Manning that Cocking had been here making inquiries; most certainly I never gave any information to Detective Cocking or the police, but I made a statement at the meeting over which the Bishop presided, when I said I was satisfied the inquest was not properly conducted; I meant that there was no adjournment to enable the police to make inquiries; I was not aware the Jury had stopped the evidence and said they required no more evidence.

By Mr. Roberts: When I made the statement at meeting it was a long time before I heard that Detective Cocking had been up; all that I observed with my eyes and telescope was that the fires were carried outside, none came from the inside; Detective Cocking never came to me to ask me to make any statement in writing or otherwise; the lights I saw were all carried about outside and appeared to be placed in the house; none were brought out from the inside.

By Mr. Pring: I said at the meeting over which Bishop presided, that I supposed I saw Mr. Hibble in the village that night of the fire, but I find it could not have been him, for he came by the 'bus, and I was out long before the 'bus.

JAS. C. JARRETT.

Sworn before me, this 9th day of March, 1887,—
HALEY C. D'ARDIER, J.P.

John

John Bennett on oath states:—I am a freeholder in this district; I reside at Brush Farm House; Mr. Jarrett lives near; I heard of the fire at parsonage in November last; I know Mr. J. E. Manning; I was present with Messrs. Jarrett and Manning in the train and heard a conversation between them; I took no part in it, as it was not addressed to me; I noticed Mr. Manning give to Mr. Jarrett a paper; foolscap paper folded up; Mr. Jarrett opened it; after reading a portion, as I thought (I don't know whether he had read the whole or not), Mr. Manning said, "I think you will find that conclusive enough;" after Mr. Jarrett got through with the reading a conversation took place; I heard Mr. Manning say something about the Jury being unanimous, but he did not mention Mr. Britten's name; I thought Mr. Manning kept away from me during the conversation, because it was a matter between him and Mr. Jarrett; when we got to Rhodes platform Mr. Davis got into the same carriage and Mr. Jarrett handed him the same foolscap paper; after Mr. Davis read it a conversation took place between Mr. Manning, Mr. Davis, and Mr. Jarrett, and from that conversation that it was additional or supplementary evidence relating to the fire at the parsonage; Mr. Manning and Mr. Jarrett were in conversation from Ryde to Strathfield; occupied about 10 minutes or quarter of an hour.

By Mr. Pring: Mr. Britten told me that Mr. Manning behaved very well at the inquest.

JOHN BENNETT.

Sworn before me, this 9th day of March, 1887,—

HALEY C. D'ARDIER, J.P.

William Thompson, on oath, states:—I am a gardener residing at Ryde; I recollect the fire at parsonage, Ryde; I was at the fire; when I got there I saw the fire in the drawing-room; I saw Mr. Britten carrying a box out to under the tree; I went round to the stable; I helped to carry some things out; I often went in the spare bed-room; I did not see Sergeant Beatty the first time; but in three or four minutes I went in again; I saw Sergeant Beatty standing on a piece of furniture; he was feeling the bookcase and said to Jordan "Throw some water on it;" Jordan said "No; do you want to destroy all the man's books?" neither Beatty nor anyone pulled a drawer out of the bookcase; I then went out and thought Jordan and Beatty came out with me; I then went by front of house to the drawing-room; Mrs. Britten was sitting opposite front with several others during the fire; I saw Mrs. Britten several times moving about and several times carrying furniture out away from the fire and putting it under the tree; I saw Mr. Manning at the stable most of the time of the fire; he did not work nor make any effort to put out the fire; I did not go near the tree at all; I was on the premises on the Saturday morning; I was there when Mr. Manning and Beatty were there and some fire-balls were spoken of; I saw Beatty take up one of the fire-balls and show it to Mr. Manning; he looked at one and smelt it; he did not say anything that I heard; Beatty said to me it had been raining and must have washed the kerosene into the ground, he asked if I had a knife; I lent mine to Beatty, and he used it to try if there was kerosene in the ground; I could not see any on the ground or globules on the grass, there was nothing of the sort; while Beatty was trying with a knife Mr. Manning went in the direction of stables, and Beatty went after him they returned after three or four minutes at the back of fern-house; I was in the house; I was syringing some pot plants; Beatty came there in the house, he was looking for canvas or bagging, he found a piece of bagging; he took it out to Mr. Manning at back of fern-house, Manning and Beatty had some conversation; I was engaged to sleep on the premises on the night of Saturday, and the three following nights I did sleep there; Mr. Britten and family were then away from the premises; Mr. Britten and a gentleman came and slept at the house on the Monday night; I slept there on the Tuesday night, no one else was sleeping there to my knowledge when I went to bed; I believed I was the only person in the house on the Wednesday morning about ten minutes past 3; I heard a noise which awoke me; I got up and went in front verandah, I looked about but could not see any one; I went to bed again; I did not go to sleep; I heard as if there were footsteps in the hall in about ten minutes after I laid down, and I heard one of the inner doors shut; I called out twice "Who is there?" I got no answer; I believe a man was in the house on this morning; I saw Mr. and Mrs. Britten about 10 coming towards Ryde, they were on Gladesville Road; I saw no books burnt or injured by the fire; I did not observe whether the case were discolored or injured by fire, if flames had issued from the drawer there would be traces on the case, but I saw none; I did not observe whether any books were damaged by water; Mr. Britten was present when Beatty and Manning were speaking about fire-balls, but I did not hear Mr. Britten say anything; when the sergeant took up the fire-ball it appeared to be dry; the ground did not appear to be saturated with kerosene; I did not see Mr. Britten and Manning together after that.

By Mr. Pring: I slept in a wooden-room at north end of house, next the study; the room marked boys' bed-room; the scraping I heard was in the cross passage near my bed-room, when I got up the second time I went to the front and back of house and all round the place; I examined the front door, it was shut, all the outer doors were fastened; I neither saw or heard anybody, it was a clear night and no wind.

By Mr. Roberts: There are attic windows, any one could get through these windows; the noise I heard was not mice or rats.

WILLIAM THOMPSON.

Sworn before me, this 9th day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Samuel Small, on oath, states:—I reside at Ryde; I am a fruit-grower; I recollect a fire at parsonage, Ryde; I was foreman at the inquest on the fire; the Jury did not at the inquest make any statement that it was one of two people who set fire to the parsonage; I never heard anything to the effect that Mr. Britten set fire to the parsonage; there was no evidence before the Jury to justify them in naming any person as setting fire to the place; one or two of the Jury said that they thought it was set on fire inside; this was not mentioned in open Court or to the Coroner; it is not a fact the Jury at inquest were nearly returning a verdict against the incumbent; there was no evidence before the Jury to show how the fire originated.

SAMUEL SMALL.

Sworn before me, this 9th day of March, 1887,—

HALEY C. D'ARDIER, J.P.

Samuel

Samuel Jordan, on oath, states:—I am an innkeeper, residing at Ryde; I was at the fire on the morning of the 11th November last; I was near the bow-windows about quarter of an hour after I got there; I went at 12:30; I threw water through a portion of window on western side of drawing-room; I cannot say whether it was open; I thought it was open, for I threw the water in; I cannot say whether the window was lifted or not; I was in the spare bed-room; it was stacked full of furniture, piled up in a heap; I think anyone would have difficulty in moving about in the room; I left after the fire was under subjection; I think a tub of water was in the hall when I left; it had been used during the fire to assist in putting the fire out; I have known Mr. Britten for about seventeen years; there was nothing in Mr. Britten's appearance that night different to when I have seen him on any previous occasions; I had taken two buckets at fire, and I went for them about 7 o'clock that morning; I found one on a tank and one in the passage; I went to the pantry and looked in for my buckets; but I saw no flower-pots there, nor did I knock any flower-pots down on the night of fire; I only saw Mr. Britten and Mr. Manning when they were asking me to supply the people with refreshments; Mr. Britten appeared to be quite responsible for his actions; I noticed to the contrary he appeared to be uneasy about the fire; there were fully nine or ten people when I got to the fire, perhaps more.

SAMUEL JORDAN.

Sworn before me, this 9th day of March, 1887,—
HALEY C. D'ARDIER, J.P.

John E. Face, on oath, states:—I am a 'bus proprietor; I reside at Ryde; I recollect the fire at parsonage; I was there shortly after it broke out; I went to render assistance; I saw Mr. Britten there; he was most anxious to do what he could for putting out the fire; he was giving directions to people what to do; this continued all the time I was there; I was walking about round the house; I saw no one in conversation with Mr. Britten; a question might be asked, and an answer given between him and Mr. Manning; there was no conversation, except when Mr. Manning was asked whether Mr. Jordan could give refreshments to the people at work; I have known Mr. Britten a number of years; he appeared to be in his proper senses on the night of the fire.

JOHN EDWARD FACE.

Sworn before me, this 9th day of March, 1887,—
HALEY C. D'ARDIER, J.P.

James Jupp, on oath, states:—I am a farmer, residing at Ryde; I was at the parsonage on night of the fire; I was there before the fire broke through the roof of the stable; I stood near the stable at the fence in Devlin-street; several people were there; a man came running round from the stable in his shirt sleeves and said, "I set the bloody stable on fire;" the man was a stranger to me, but I think I could have recognized him if he had remained a little longer; I believe I know the man, but I do not like to say who I think it is.

By Mr. Pring: There was no one near me, but there were eight or ten people some little distance away; the person nearest to me was Mr. Patching; I don't know any of the others; I cannot say whether Mr. Patching and the other people could have heard him; the man came round between the end of stable and the parsonage; I did tell about this when I got home; I saw nobody after I left; I told no one at the fire what I had heard; I can't say that the man was serious or not; I did not run after the man, as I did not consider it my business; and I did not tell anybody because I did not want to be brought here as a witness; I did hear about the inquest after it was concluded; I stopped about half-an-hour after I heard the man call out.

JAMES JUPP.

Sworn before me, this 9th day of March, 1887,—
HALEY C. D'ARDIER, J.P.

William Trevitt, senr., on oath, states:—I am a carpenter, and reside at Ryde; I know the parsonage premises; I know the water-closet, and stables, and buggy-house; there was an opening between the buggy-house and water-closet about 8 in. wide and 6 or 7 ft. high; my son had been repairing drawing-room previous to the fire; Mr. Britten was then urging on the work, as he expected visitors at that time from Melbourne.

WILLIAM TREVITT.

Sworn before me, this 9th day of March, 1887,—
HALEY C. D'ARDIER, J.P.

Joseph Bowes, on oath, states:—I am a grocer; I resided at Ryde; I recollect the fire at parsonage; I went to the fire; I was there till it was extinguished; after the fire about a quarter of an hour I observed two people coming up the street; they appeared to be men in women's clothes; they were on the footpath; they had no bonnets on; they came from the parsonage on this side of street; they turned off the path into the street; I tried to see who they were, but they went to other side, and quickly went away; I could not see who they were; they were dressed like nuns; something was covered over lower part of their face; I immediately reported the matter to Mr. Beatty.

By Mr. Pring: They did not run away, but they got away as quick as they could; they had not the appearance of women; I was within 5 or 6 yards of them; this was about 2 a.m.

JOSEPH BOWES.

Sworn before me, this 9th day of March, 1887,—
HALEY C. D'ARDIER, J.P.

Committed for trial at the Criminal Court to be holden at Darlinghurst, on the 14th March, 1887.
HALEY C. D'ARDIER, J.P.

J. E. Manning, Esq., J.P., to The Colonial Secretary.

Sir,

Ryde, 13 January, 1888.

My attention has been called to the *Hansard* reports of the Proceedings in the Legislative Assembly on the evening of the 22nd December, when, it appears, Mr. Frank Farnell made a cowardly and scandalous attack upon me, and therein made a number of monstrous charges against me, which are not only wholly untrue, but without the slightest foundation that could afford him the shelter of saying he had been mistaken. This abuse of the privilege of the House has been deliberately availed of, as appears by a threat made by him at a public meeting at Ryde on the 25th day of March last, when, according to the notes of a shorthand reporter, he said—speaking of me—“When I am in the House, and under the protection of privilege, I will be able to divulge what I have in my heart, but which I cannot say now.” The attack lately made is so full of charges that it is difficult to deal with them in an ordinary letter; but I select the three main and most serious charges, and show their falsity without any evidence of my own.

1. Mr. F. Farnell said: “Mr. Manning had been guilty of most immoral conduct; he had seduced a girl in a churchyard at Ryde—in fact, I believe he committed a rape upon her—and on that account the Rev. Mr. Britten refused to accept him as clergyman’s churchwarden.” As to this, I annex a letter from Mr. Britten, written to a relative of mine, with reference to this very matter, in which he speaks of the charge as monstrous, denies that there was any ground for such a statement, and says that at a much later date than that referred to he would have been willing that I should be the people’s churchwarden, if I would give up opposition to him.
2. Mr. F. Farnell said: “The other day we found this gentleman (Mr. Manning) trying to persecute the Sergeant of Police; he proceeded against this officer on a charge of intemperate violence in the execution of his duty. The accusation was fully gone into, and the Bench decided that Mr. Manning’s evidence was totally untrue.” As to this, I annex a copy of the report made by the Ryde Bench of J’s.P., signed by Mr. F. Farnell himself, together with a copy of the letter of the Inspector-General of Police, on which the report was made. I also refer you to Mr. Jeanneret, M.L.A., who was present, and who will tell you, as stated in the report, that the Magistrates declined to express any opinion in the case.
3. Mr. F. Farnell said of me, as a presiding officer at an election for Members of Parliament: “A man who attempted to open a ballot-box to count the votes after it had been sealed is surely a most improper person to act as presiding officer at an election.” With reference to this, I annex copies of letters from Mr. Pope and Mr. Sims, who were the poll clerks on the occasions when I was presiding officer, from which you will see that these charges are also entirely without foundation. The original letters from these gentlemen I have forwarded to the Returning Officer for the electorate, Mr. A. Gee, in order that he may make such inquiries as he may deem fit. With reference to Mr. F. Farnell’s remarks on my conduct in connection with the arson case, I positively deny that I said a word that was untrue, and I especially call your attention to the letter of the Crown Prosecutor, Mr. Pring, previously forwarded to you. This gentleman knew every circumstance in the case as it arose, and was till then an utter stranger to me. Then, as to the reason why I was not called as a witness, I can only refer you to Mr. Foster, Q.C., who was at that time your Attorney-General. In regard to my conduct as Coroner, I have done nothing to be ashamed of, or inconsistent with my duty, as I understand it, and I say nothing more on these charges; but they sink into insignificance compared with the three serious charges with which I have dealt, and which I have shown to be wholly untrue.

Under the circumstances, Sir, you will understand that my family and friends are more pained by your apparently accepting such charges as true, and not dealing with them for their sake, than they could possibly be by your dealing with the case on its merits, though they, of course, as I myself do, appreciate your kindly feeling. Pray believe, Sir, that I have done nothing in the twenty-six years during which I have held a Commission of the Peace, or while I have been Coroner for the district, in either capacity, of which I feel ashamed, or which I desire concealed, though I have very likely made mistakes.

You will understand, Sir, that I could not leave such monstrous charges, so publicly made, without an answer, and I have thought it right to adopt the present course, leaving it to you to do what you think proper.

I have, &c.,

JOHN E. MANNING.

[Enclosures.]

My dear Sir,

Ryde, 5 January, 1888.

In reply to your letter, I hasten to say, in regard to what you justly term a “monstrous charge,” that it is entirely without foundation. On no occasion have I heard the faintest hint of such an occurrence as that which you mentioned.

In reference to my declining to renominate your brother as my warden several years ago, I need only say that it would have been a departure from what I have often found to be a useful rule had I done so. At the same time, I have never affirmed that such was my only reason for acting as I did. On my return from England I had no intention to, and certainly did not, ask your brother to act again in the capacity of clergyman’s churchwarden, but told him during a conversation that it had been suggested to me that he might be proposed by some person at the vestry meeting, then close at hand, and that, personally, I should be satisfied, provided he terminated his unreasonable opposition to me, and worked peaceably with others for the good of the church.

I think I did tell your father, whom I revere as much as I do any man living, that I did not reciprocate your brother’s ill-feeling towards me, and that I was not aware of having given him any just cause for it.

Thanking you for your letter, believe me to be,—

Yours faithfully,

HENRY H. BRITTEN.

C. J. Manning, Esq., Hunter’s Hill.

Gentlemen,

Police Department, Inspector-General’s Office, Sydney, 13 December, 1887.

A member of your Bench (Mr. Manning) recently called upon me to complain of the conduct of Sergeant Beatty, in charge of the police at Ryde, charging him with being intemperate in his habits, and generally with being violent and overbearing in the discharge of his duties. Further, he charged him with committing a brutal assault, or succession of assaults, on a man named Kelly, which Mr. Manning stated he witnessed, though he did not interfere.

This

This latter case I at once directed should be brought before the Bench, but I regret to find that the complainant Kelly failed to appear, and accordingly the case was dismissed. My object in now communicating with you is to ask for an expression of your opinion as to Sergeant Beatty's conduct generally, and his fitness for the position he occupies.

I have, &c.,

EDMUND FOSBERY,
Inspector-General of Police.

The Bench of Magistrates, Ryde.

Court-house, Ryde, 8 January, 1888.—Certified to be a true copy.—GEORGE M. POPE, C.P.S.

Sir,

Courthouse, Ryde, 17 December, 1887.

In reply to your letter of 13th inst. to the Bench of Magistrates at Ryde, we beg to report that Sergeant Beatty's general conduct has been satisfactory, that he possesses the confidence of the Bench generally, the members of which consider him a competent officer and fit for the position he occupies. With reference to the case of Kelly *versus* Beatty for assault, as the case was withdrawn the Bench has no knowledge of the matter.

We have, &c.,

F. NORTON MANNING, J.P.
JOHN T. RODD, J.P.
HALEY D'ARDIER, J.P.
JOHN R. LINSLEY, J.P.
CHAS. E. JEANNERETT, J.P.
FRANK FARNELL, J.P.

The Inspector-General of Police, Sydney.

Court-house, Ryde, 8 January, 1888.—Certified to be a correct copy.—GEORGE M. POPE, C.P.S.

Sir,

Ryde, 5 January, 1887.

I have the honor to acknowledge the receipt of your letter in reference to a statement made in the House that you had "attempted to open the ballot-box to count the votes after it had been sealed up." In reply, I beg to state that on the occasions on which I have acted as your poll clerk, namely, the last two elections for this district, nothing whatever has occurred to lead to such a statement, nor am I aware of any irregularity of any sort whatever having occurred.

I have, &c.,

HENRY SIMS.

J. E. Manning, Esq.

Sir,

Court-house, Ryde, 5 January, 1888.

With reference to your letter informing me that a statement had been made that you "attempted to open a ballot-box to count the votes after it had been sealed," and asking did anything occur when I acted as your poll clerk to give rise to such a rumour. In reply, I beg to state that nothing occurred when I acted as poll clerk to give rise to any charge such as you allude to.

I remain, &c.,

GEORGE M. POPE, C.P.S.

John E. Manning, Esq., J.P., Ryde.

Minute by The Colonial Secretary.

Charges against Mr. John E. Manning, J.P.

I HAVE read the papers in the case of the charges made against Mr. Manning, of improper conduct, as Coroner and a Magistrate, arising out of the circumstances attending the fire at the Church of England Parsonage a little more than a year ago. It is impossible to keep the case, as presented by the original papers, separate from the statement made by Mr. Frank Farnell, in the Legislative Assembly, on the 22nd December last, which amplified and added to the charges against Mr. Manning.

It appears to be clearly shown that Mr. Manning, considering that he was an old and experienced Justice of the Peace, and at the same time held the office of Coroner, acted with great indiscretion and want of judgment at the time of the fire, and on subsequent occasions in reference to it. His language and behaviour towards Mr. Britten were unbecoming his character as a Magistrate, and would have been without justification in any person whatever. Mr. Manning should be called upon to resign the office of Coroner, and a letter should be addressed to him conveying to him my opinion, as herein expressed, of his conduct as a Justice of the Peace.

I have carefully considered the evidence which Mr. Manning himself has submitted to me to disprove the three serious charges which he specifically states as made against him by Mr. Farnell on the 22nd December, and I can only arrive at the conclusion that these charges are without any foundation in fact. Of this Mr. Manning should also be informed by separate letter.

Colonial Secretary's Office, 14 February, 1888.

HENRY PARKES.

Inform Department of Justice that in my opinion the office of Coroner at Ryde should be abolished as unnecessary.—H.P.

The Principal Under Secretary to J. E. Manning, Esq., J.P.

Sir,

Colonial Secretary's Office, Sydney, 16 February, 1888.

The Colonial Secretary having read and carefully considered the papers in the case of the charges made against you of improper conduct as Coroner and a Magistrate, arising out of the circumstances attending the fire at the Church of England Parsonage, Ryde, a little more than a year ago, I am now directed to inform you of the conclusions at which he has arrived in the matter. It appears to the Colonial Secretary to be clearly shown that, considering you were an old and experienced Justice of the Peace, and at the same time held the office of Coroner, you acted with great indiscretion and want of judgment at the time of the fire, and on subsequent occasions in reference to it, and that your language and behaviour towards the Reverend Mr. Britten were unbecoming your character as a Magistrate, and would have been without justification in any person whatever.

Sir Henry Parkes has conveyed his opinion to the Minister of Justice that you should be called upon to resign the office of Coroner at Ryde, which office, in his judgment, should be abolished as unnecessary.

I have, &c.,

CRITCHETT WALKER,
Principal Under Secretary.

The

The Principal Under Secretary to J. E. Manning, Esq., J.P.

Sir,

Colonial Secretary's Office, Sydney, 16 February, 1888.

Referring to my letter of this day's date, I am directed to inform you that the Colonial Secretary having carefully considered the evidence submitted by you to disprove the three serious charges which you specifically state as made against you by Mr. Frank Farnell on the 22nd December last, in the Legislative Assembly, Sir Henry Parkes can only arrive at the conclusion that these charges are without any foundation in fact.

I have, &c.,

CRITCHETT WALKER.

The Principal Under Secretary to The Under Secretary of Justice.

Sir,

Colonial Secretary's Office, Sydney, 16 February, 1888.

I am directed to state, for the information of the Minister of Justice, that the Colonial Secretary is of opinion that Mr. John E. Manning should be called upon to resign the office of Coroner at Ryde, and that the office itself should be abolished as unnecessary.

I have, &c.,

CRITCHETT WALKER,

Principal Under Secretary.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALLEGED ARSON AT RYDE.

(FURTHER CORRESPONDENCE, &c., RESPECTING CHARGE AGAINST REV. H. H. BRITTEN.)

Ordered by the Legislative Assembly to be printed, 26 April, 1888.

RETURN to an *Address* of the Legislative Assembly of New South Wales, dated 21st March, 1888, That there be laid upon the Table of this House,—

“Copies of letters written to the Minister of Justice by Mr. J. E. Manning, “J.P., on the 2nd December, 1886, and the 20th January, 1887,* in “reference to the alleged arson case at Ryde.”

(Mr. Frank Farnell.)

The Coroner, Ryde, to The Minister of Justice.

Sir,

Coroner's Office, Ryde, 2 December, 1886.

I had the honor to transmit to you recently the depositions taken by me at an inquest held on the 12th of last month as to a fire at the parsonage, Ryde. The jury in that case returned a verdict of arson against some person or persons unknown. Subsequent to this inquest some members of the jury have discovered most important evidence that ought to have been forthcoming on that occasion, and this omission of evidence is the more singular because one of the parties who could so have given evidence is a member of the Police Force, and actually the officer who was left in charge of the premises after the fire had been put out.

As some of the jurymen spoke to me on this subject, and as I became aware that unpleasant remarks were being made as to the suppression of this evidence, I deemed it right to speak to the constable referred to (J. Harper) on the subject, and his evidence was of so extraordinary a nature that I took it down, as also that of F. Woodcock, and I now enclose it, with a view to its being brought under the notice of the Attorney-General, together with the depositions taken at the inquest.

It is known to me that the jury at the inquest were nearly returning a verdict against the incumbent, Mr. Britten, and they say now that had this missing evidence been forthcoming they certainly would have done so.

I may state that the members of the Police Force here are quite above suspicion, and that some unfortunate mistake seems to have been made, mainly, I fancy, attributable to the representative of the Insurance Co. virtually taking charge of the case. It is the more remarkable because this constable (Harper) was left on the premises especially to watch Mr. Britten, with what reason his statement discloses.

I believe the evidence of a suspicious nature is forthcoming, and I would suggest, that if the Attorney-General deems it desirable to take any steps in the matter, that no time should be lost, as matters are in a very unsatisfactory state at present, and there is an openly expressed opinion that there has been a miscarriage of justice.

I have, &c.,

JOHN E. MANNING,
Coroner for Ryde.

[Enclosure.]

* NOTE.—There is no record of any letter having been received from Mr. Manning in the Department of Justice during the month of January, 1887, but a communication was addressed by that gentleman to the Honorable the Attorney-General on the 25th of that month, which was referred to the Minister of Justice on the 27th idem, and it is presumed is the letter called for in above address.

[Enclosure.]

Sir,

Ryde, 25 January, 1887.

I would urgently call your attention to the papers in reference to an inquest held by me on the 12th November, as to the cause of a fire at the Church of England parsonage here, and the subsequent direction of Mr. Attorney-General Want, on the 17th December, that a prosecution should take place against Mr. Britten "without any further investigation."

There is a very general consensus of opinion here as to who alone could possibly have set fire to the parsonage, and several members of the Coroner's Jury have openly expressed themselves as to what they term the "suppression" of Constable Harper's evidence at the inquest; and they further state that had that evidence, which is now the common talk of the village, been forthcoming, they, the jury, would have returned a verdict against Mr. Britten.

I believe the view taken by some of Mr. Britten's friends is that he is not responsible for his actions; but as he has continued up to the present to perform the ordinary duties of his position as a clergyman, to the intense disgust of a large portion of his parishioners, many of whom are thereby driven from their church, this theory as to irresponsibility is scarcely upheld.

That Mr. Britten has long since expected this prosecution is clear, as Mr. Roberts' services have been retained by him. I believe a suggestion has been made that Mr. Britten should be allowed to bring an action against the Insurance Company prior to criminal proceedings being commenced against him; but I am informed that not only have no such proceedings been initiated, but that Mr. Britten has stated that he did not intend to take steps to recover the insurance on his furniture, "as it was not worth while." So strong is the conviction here as to who the incendiary is, that I believe a private information will be laid should Mr. Want's directions as to a prosecution not be carried out.

I have been a Magistrate for some twenty-five years, I believe, and have *virtually* been the Police Magistrate of this district for the past eight years; and I have never before met with a case that caused me so much pain, and in which such attempts have been made to interfere with the administration of justice.

On the one hand I am virtually held responsible for a gross miscarriage of justice in the Coroner's Court, because most important evidence, of which I knew nothing, was not produced; and on the other hand, Mr. Britten's personal friends try to make out that I am influenced against him, because, in my official position as Coroner, I reported to the Department of Justice the information in my possession, and because I have refused to assist them in their endeavours to get Mr. Garvan to stay all criminal proceedings.

I remain, &c.,

JOHN E. MANNING,
Coroner.

The Honorable the Attorney-General.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(REGINA v. PRUEN.)

Ordered by the Legislative Assembly to be printed, 25 October, 1887.

RETURN to an *Address* adopted by the Legislative Assembly of New South Wales, on 28th September, 1887, That there be laid upon the Table of this House,—

“Copies of all depositions, letters, and other documents relating to the case
“*Regina v. Pruen*, tried at last Court of Quarter Sessions at Bathurst.”

(Mr. O'Mara.)

REGINA v. EDWARD JENNER PRUEN—M., 11 and 12 Vic., cap. 42.

Depositions of Witnesses.

Bathurst, to wit.

THE examination of Constable M'Donald, of Bathurst, in the Colony of New South Wales, George Farquhar, of Bathurst, and Charles Toole, of Bathurst, in the said Colony, taken on oath this 3rd day of May, in the year of our Lord 1887, at Bathurst, in the Colony aforesaid, before the undersigned, two of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Edward Jenner Pruen, who is charged this day before us, for that he, the said Edward Jenner Pruen, on the 13th day of April, at Bathurst, in the said Colony, did embezzle certain moneys, the property of Her Majesty the Queen.

Edward Jenner Pruen, embezzlement.

Constable M'Donald, on oath, states:—I am stationed at Bathurst; on Sunday afternoon last, from information received, I proceeded to “Gray's Hotel,” Rockley; I there found the accused in a bedroom over the hotel; I charged him with embezzling £50; I had no warrant; in answer to a question from a constable he said his name was Gordon, and came from Wangaratta; I said, “Your name is Pruen, and you come from Bathurst”; he said, “How do you know?” I said, “I know from your description;” he said, “All right; where have I to go?” I took him to the lock-up and searched him; found £7 13s. 6d. on him—£5 in gold, rest in silver and copper; he had a loaded revolver, which I produce; he had two pipes and a knife in his possession, gold pin, silver pin, swag containing clothing, old clothing, a new blanket, and boots; he claimed the swag, and said he sent it to Rockley by coach on Saturday; he said he was going to the Goulburn side; also watch and chain; offered no resistance.

J. M'DONALD,
Constable.

Sworn at Bathurst, 3rd May, 1887,—

BENJAMIN LEE, J.P.

F. HALLIDAY, J.P.

George Farquhar, on oath, states:—I am station-master at Bathurst; I know defendant; he was in the Government employ up to last Saturday; was employed twelve months ago in the same office; has not been out of the service; in virtue of that office he received public moneys; I produce the book in which he entered the moneys received; on the top line is the amount of money he should have remitted on that day, £65 10s. 3d.; the top figures are in his handwriting; I put in the Bathurst goods rough

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cash-book

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cash-book £50 7s. 8d.; is signed by him as having received it; the total amount is £115 17s. 11d.; this he received on Saturday, the 30th; should have passed to the credit of the Government at the Joint Stock Bank; I put in the remittance note-book, which shows that £67 17s. 11d. was paid in, leaving a deficiency of £48, which defendant had received in his capacity of clerk in the Government service; when the amount is banked a bank receipt is handed to me; I received none from defendant, and did not see him again; the bank warrant was not produced for some time afterwards.

The Defendant's Attorney: The alteration in the book was made since; the amount made up shows in the one book only; his cash was correct up to Friday; he went to the Bank late on Saturday, 11.50 a.m.; I hurried him off thinking he would be late; I believe he made up the deposit receipt in the Bank; he carried the money I believe in his pocket.

GEORGE FARQUHAR.

Sworn at Bathurst, this 3rd day of May, 1887,—

BENJAMIN LEE, J.P.
F. HALLIDAY, J.P.

*Charles Toole, on oath, states:—*I am accountant in the Joint Stock Bank, Bathurst, which receives moneys to the credit of the Government; I know defendant; he was at our Bank on Saturday about three or four minutes to 12, and paid in money to the credit of the Colonial Treasurer; I give a receipt for the money; I put in exhibit A receipt, purporting to be the money paid in by Pruen, amounting to £67 17s. 11d.

By Defendant's Attorney: The deposit slip was made out in the Bank, and defendant had the money in his pocket.

CHAS. L. TOOLE.

Sworn at Bathurst, this 3rd day of May, 1887,—

BENJAMIN LEE, J.P.
F. HALLIDAY, J.P.

THE accused is committed to take his trial at the next Court of Quarter Sessions, to be holden at Bathurst on the 26th July next, on the charge preferred against him. Bail allowed—self in £100 and two sureties in £50 each.

BENJAMIN LEE, J.P.
F. HALLIDAY, J.P.

Statement of the accused.

New South Wales, to wit.

E. J. PRUEN stands charged before the undersigned, two of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 3rd day of May, in the year of our Lord 1887, for that he, the said E. J. Pruen, on the 30th day of April, at Bathurst, in the said Colony, did embezzle certain moneys, the property of Her Majesty the Queen, and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, by or before whom such examination has been so completed; and I, the said Justice, having also stated to the accused and given him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given in evidence against him upon his trial, notwithstanding such promise or threat; and the said charge being read to the said E. J. Pruen, and the witnesses for the prosecution, Constable M'Donald, George Farquhar, Charles Toole, being severally examined in his presence, the said E. J. Pruen 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 E. J. Pruen saith as follows:—"I am not guilty; I reserve my defence."

E. J. PRUEN.

Taken before me, at Bathurst, in the said Colony, the day and year first abovementioned,—

BENJAMIN LEE, P.M.

Recognizance of bail.

New South Wales, Bathurst, to wit.

BE it remembered, that on the 3rd day of May, in the year of our Lord 1887, Edward Jenner Pruen, of Bathurst, in the Colony of New South Wales, Charles Joseph Pruen, of Bathurst, in the said Colony, insurance agent, and George Hulks, of Bathurst, in the said Colony, baker, 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 Sovereign Lady the Queen the several sums following (that is to say): The said Edward Jenner Pruen the sum of £100 and the said Charles Joseph Pruen and George Hulks 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 Edward Jenner Pruen shall fail in the condition indorsed.

Taken and acknowledged, the day and year first abovementioned, at the Police Office, in the said Colony, before me,—

BENJAMIN LEE, P.M.

Condition in ordinary cases.

THE condition of the within-written recognizance is such, that whereas the said Edward Jenner Pruen was on the 3rd day of May instant, charged before Benjamin Lee and Francis Halliday, Esquires, two of Her Majesty's Justices of the Peace for the said Colony, with being employed in the Public Service, did fraudulently embezzle about the sum of £50, the property of Her Majesty: If therefore the said Edward Jenner Pruen will appear at the next Court of Quarter Sessions to be holden at Bathurst, in and for the Colony

Colony of New South Wales, on Tuesday, the 26th day of July, at 9 of the clock in the forenoon, and then and there surrender himself into the custody of the keeper of the gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave,—then the said recognizance to be void, or else to stand in full force and virtue.

BENJAMIN LEE, P.M.

Recognizance to give evidence.

New South Wales, Bathurst, to wit.

BE it remembered, that on the 3rd day of May, in the year of our Lord, 1887, Constable John M'Donald, of the Police Force, of Bathurst, in the Colony of New South Wales, George Farquhar, of Bathurst, in the said Colony, and Charles Toole, of Bathurst, in the said Colony, personally came before the undersigned, one of Her Majesty's Justices of the Peace for the Colony of New South Wales, and acknowledged themselves to owe our Sovereign Lady the Queen the sum of £40 each, 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 beforementioned persons shall fail in the condition indorsed.

Taken and acknowledged, the day and year first abovementioned, at Bathurst, in the said Colony, before me,—

BENJAMIN LEE, P.M.

THE condition of the within-written recognizance is such, that whereas Edward Jenner Pruen was this day charged before Benjamin Lee and F. Halliday, Esquires, two of Her Majesty's Justices of the Peace for the said Colony, with embezzling about the sum of £50, the property of Her Majesty: If therefore they the beforementioned persons shall appear at the next Court of Quarter Sessions, to be holden at Bathurst, in and for the Colony of New South Wales, on the 26th day of July next, at 9 of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said Edward Jenner Pruen for the offence aforesaid, to the jurors who shall pass upon the trial of the said Edward Jenner Pruen,—then the said recognizance to be void, or else to stand in full force and virtue.

BENJAMIN LEE, P.M.

Commissioner's 87-10,392,—Forward copies to Attorney-General.—CH.A.G., $\frac{1}{8}$ /6/87. The Attorney-General, 17/6/87, and copies sent.

Minute by Mr. Traffic-Auditor Sale.

To Traffic Auditor,—Having made a careful and thorough inspection of the books and accounts at Bathurst, I find a deficiency in coaching accounts of £50 1s. 9d. The goods accounts are satisfactory. In reference to the deficiency in coaching accounts, I find that on Saturday last, 30th April, E. J. Pruen, assistant goods clerk, who had been acting coaching clerk for about a week, was sent to the Bank with the revenue for the day, amounting to £115 17s. 11d. The amount actually placed in the Bank was £67 17s. 11d. only. With the difference between these two amounts, viz., £48, Pruen absconded, and did not return to the station. Finding from the copy of the Bank deposit slip found in Pruen's bedroom that the short remittance above shown had been made, the station-master at once placed the matter in the hands of the police, who arrested Pruen at Rockley on Sunday, brought him before the magistrates on Tuesday, when he was committed to take his trial for the offence at the next Quarter Sessions. An examination of the accounts revealed a further deficiency of £2 1s. 9d., for which Pruen must be held responsible, thus making the total deficiency £50 1s. 9d., as before mentioned. There seems, however, no reason to anticipate that this amount can in any way be further increased. As a matter of detail it may be mentioned that from the cross-examination of the defendant's counsel it would appear that the defence is likely to be that Pruen was rushed to the Bank at the last moment, not having time to make up the amount for the deposit slip until actually in the Bank, and that between the station and the Bank he lost the money. This theory, however, is met by the fact he left a memo. on the station (retained), showing in his own handwriting a detailed division of the full amount. A policy of guarantee to the Government for £100 was, I find, issued to Pruen in December, 1886, by the Victoria Life and General Insurance Co., consequently the Department is fully secured. J. SALE, 5/5/87.

For the Commissioner's information. A claim should be made upon the Victoria Insurance Society for the sum embezzled, namely, £50 1s. 9d.—M. SEALE (*pro* T.A.), 5/5/87. Sec. See Commissioner's number of same date. Was any of the money recovered on Pruen when arrested?—A.R., Traffic Manager, B.C., 6/5/87. Commissioner,—The station-master at Bathurst informs me that Mr. Sale, Audit Inspector, laid claim to the money found on Pruen when he was arrested, but the police have retained it until the case is decided, on 26th July.—W. V. READ (*per* W.W.), 11/5/87. What was the amount?—A.R. Traffic Auditor, B.C., 13/8/87. Urgent. £7 13s. 6½d. was found on him—M. SEALE (*pro* T.A.), 14/5/87. Secretary. Have we made claim on Victoria Office? If not, this should be done at once.—A.R., 17/5/87. Not yet.—T.T.W. See Victoria Life and General Insurance Co., 18/5/87. In a week.—A.R., 18/5/87. Any reply received, 25/5/87. No. I think we did get a reply, enclosing affidavit for Mr. Sales' signature, which was obtained.—A.R., 26/5/87. Yes. Commr's., 87-10,392.—T. Auditor, 23/5/87. In ten days.—A.R., 26/5/87. How does 87-10,392 stand in the records? T. Auditor, 23/5/87. No, returned, and I directed on it that these papers should be attached.—A.R., 7/6. Not returned to records.—F.J.P., 10/6/87. A. Sec.

Minute

Minute by Mr. Traffic-Manager Read to The Commissioner for Railways.

Mr. E. J. Pruen, relieving clerk at Bathurst, absconding with £48 on 30/4/87.

WITH reference to my M.P. 87/1,500 of 2/5/87, I beg to inform the Commissioner that Inspector Sale, of the Audit Department, wired me this morning to the effect that Pruen was brought before the magistrates, this morning, charged with embezzling £48, and was committed to the sessions in July. Very little further has been discovered.

W. V. READ (*pro* W.W.), 3/5/87.

It seems that Pruen was sent to the Bank with a larger amount than he stole. He paid some in and ran away with the balance. He was caught so soon afterwards that some of the money ought to have been recovered. How does this stand?—CH. A.G., 6/5/87. Traffic Manager, B.C.

Commissioner's 87/9,102—E. J. Pruen, deficiency at Bathurst, submitted 2/5/87, now herewith. Commissioner's 87/9,222—Mr. Pruen, sen., wants to make good deficiency of his son, submitted 3/5/87; now herewith.

Telegram from Mr. Chief Inspector Sale, Bathurst, to The Traffic Auditor.

5 May, 1887.

PRUEN, who was arrested on Sunday, was brought before the magistrates this morning, charged with embezzling £48, and committed to sessions.

Telegrams from The Station-master, Bathurst, to The Traffic Manager, Sydney.

MR. PRUEN, who has been performing duties as coaching clerk temporarily, on account of Mr. Thomas being on holidays, left for the Bank this morning, at 11.45, with £115 17s. 11d. Nothing has since been seen of him, but his keys and a Bank receipt for £67 17s. 11d. have been found in his bedroom at his father's residence, showing that a short remittance of £48 has been made, but I am unable at present to say whether everything else is correct or not, so I will advise you later on. I have placed the matter in the hands of the police. Please advise me in the matter. Urgent.

I HAVE since seen Mr. Pruen's father, who is in a great state of mind over his son's action in leaving with over £50 of Commissioner's money. Mr. Pruen, sen., will pay what cash is short to save his son and the family being disgraced. Will I accept?

On reaching Sydney on Saturday evening I was met by a messenger from the Traffic Manager, asking me to call upon him immediately. I did so, and telegrams, of which copies are annexed, were at once placed in my hands. I immediately wired to Bathurst to get everything written up so as to expedite a balance, and am leaving by morning passenger train to make a full investigation into the matter, and will advise you of result as soon as it can be ascertained.—J. SALE, 2/5/87. Traffic Auditor.

For Commissioner's information.—M. SEALE (*pro* T.A.), 2/5/87. Commissioner's 87-9,102;—Previous papers submitted, 2/5/87; Commissioner's 87-9,318.

Minute by Mr. Traffic-Manager Read to The Commissioner for Railways.

MR. E. J. PRUEN, relieving clerk at Bathurst, absconded with £50, 30/4/87.

I beg to inform the Commissioner that the station-master, Bathurst, wired me on Saturday evening that Mr. Edwin J. Pruen (history attached), who has been performing the duties of coaching clerk temporarily at Bathurst, was sent to the Bank on Saturday morning, 30th April, at 11.45 a.m. with £115 17s. 11d., and he has not been seen or heard of since. His keys and a Bank receipt for £67 17s. 11d. have been found in his bed-room at his father's residence. The station-master has seen Mr. Pruen, senior, who wishes to pay what cash is short to avoid the disgrace.

I have just received a letter from the station-master to the effect that £50 is the amount taken by Pruen from the cash he should have placed in the Bank. In addition to this he has taken 2nd class single blank paper, ticket No. 3,084, the butt being left blank. The police are in search of him.

W. V. READ,
(*Pro* W.W.), 2/5/87.

On the telephone message seen by the Commissioner, I asked Traffic Manager to obtain station-master's explanation.—A.R., 3/5/87. See Audit Inspector's report, dated 2/5/87; he will probably report to-morrow, 3/5/87.—CH. A.G. Pruen I understand has been arrested by the police—where is he now?—CH. A.G. Traffic Manager, B.C., 4/5/87.—A.R.

E. J. Pruen:—20/8/84—Commenced duty as telegraph operator *pro*. Kelso, at 2s. 6d. per week. 18/11/84—Transferred to Bathurst. 1/7/85—Increased to £50 as junior goods clerk. 1/1/86—Increased to £65 per annum as assistant goods clerk. Offences:—18/11/85—Not making out way-bill properly—Cautioned.

Minute by Mr. Traffic-Manager Read to The Commissioner for Railways.

MR. E. J. PRUEN, relieving clerk at Bathurst, absconded with £50 on 30/4/87.

WITH reference to my M.P. 87/1,500 A of to-day's date, I beg to inform the Commissioner that the Stipendiary Magistrate at Bathurst has wired me that Pruen was arrested by the Bathurst police yesterday at Rockley. He was making his way for the southern line.

W. V. READ,
(*Pro* W.W.), 2/5/87.
Telephone

Telephone message received from Traffic Manager, 87-1,500, herewith,—Coaching-clerk Pruen at Bathurst is £50 deficient in his accounts, and has decamped. Please see Mr. Bryant and arrange for stopping his pay.—W.M.A., 2/5/87.

From Traffic Manager,—Pruen has been arrested by the Bathurst Police at Rockley.—W.M.A., 2/5/87. Seen by Commissioner,—What is station-master's explanation?—A.R. Traffic Manager, B.C., 2/5/87. Secretary,—Please see my M.P., 87-1,500, of 2nd and 3rd instant.—W. V. READ (*pro* W.W.), 5/5/87.

W. R. Cortis, Esq., M.P., to The Minister of Justice.

Dear Sir,

28 May.

I understand that further representations concerning the case of young Pruen have been made to you. His father and mother are deservedly held in great respect, and if you can give instructions that no further proceedings are to be taken it will relieve them from great anxiety, and give satisfaction to a large number of people who sympathise with Mr. and Mrs. Pruen in their trouble.

The money taken having been promptly refunded may also lead to your taking a lenient view of the lad's offence.

I am, &c.,

W. R. CORTIS.

Inform Dr. Cortis that this matter is one which should be brought under the notice of the Attorney-General.—W.C., 30/5/87. Dr. Cortis, 2/6/87.

Minute by The Minister of Justice.

Subject :—*Re* Pruen, committed for trial at Bathurst.

I SHOULD be glad of the opportunity of inspecting the depositions in this case.

W.C., 26/5/87.

Depositions herewith.—A.C.F., 26th. Seen.—W.C., 26/5/87.

W. R. Cortis, Esq., M.P., to The Attorney-General.

My dear Wise,

Bathurst, 6 June.

I want to know if you can do anything in the case of a lad here, named Pruen, who was committed for trial here for embezzlement from the Railway Department. He acted as if his intellect is weak, that is to say, he took money in one lump, did not spend it, but walked off along the road to Rockley. His father paid the money to the credit of the Railway Department, and is of course most anxious to get the lad away—he has a good chance just now of sending him to sea.

They are most worthy people his father and mother, and hold a good position, and it will ruin the lad to send him to gaol. I want you to talk over the case with Clarke and decide whether it is necessary to go on with the prosecution. I am sure that if you decide that it is not so necessary everybody here will be pleased, as Mr. Pruen, the lad's father, is deservedly liked and respected. The theft was apparently not premeditated, and the money repaid; and the lad's character was good previously.

Yours, &c.,

W. R. CORTIS.

Memo. of Attorney-General :—Call for the depositions in this case. 6/7/87.

Minute of Attorney-General on fold of Depositions :—Let these papers be sent with Dr. Cortis' letter to the Railway Department. I should like to know whether the Department agrees with his statement of the facts, and what the character of the boy was previously?—B.R.W., 7/6/87. Urgent. The Commissioner for Railways, B.C., 9/6/87.—W. W. STEPHEN.

The Secretary for Railways to The Attorney-General.

Sir,

Department of Railways, 17 June, 1887.

I have the honor, by direction of the Commissioner for Railways, to forward herein copies of testimonials as to the character of Edward J. Pruen, a Railway employé, who is charged with embezzling funds of the Government. It would seem from these that Pruen bore an excellent character up to the time he committed the offence for which he is now awaiting trial. I also return herein the depositions forwarded by you under B.C.

I have, &c.,

D. VERNON,

Secretary for Railways.

Submitted in reference to minute of Attorney-General on the depositions.—W. W. STEPHEN, 18/6/87.

Telegram from The Traffic Manager, Redfern, to The Station-master, Bathurst.

10 June, 1887.

LET me have report by to-night's mail without fail as to what Pruen's general character was previous to the time he embezzled station cash.

GEO. FARQUHAR,
Traffic Manager.

Reports

Reports.

Bathurst Station, 10 June, 1887.

EDWARD J. PRUEN has been connected with the staff since I came to Bathurst. I had always a good opinion of him, both for his good behaviour and his honesty, up to the time of his absconding. I had not the slightest suspicion of his doing a wrong act, but since he left I have been told his company was not what his parents desired, and it is from this cause that he has been led astray.

He always reported to me any discrepancy in his cash when in the booking office. I would have trusted him with anything, and I am sorry indeed that I have been deceived in this young man.

GEO. FARQUHAR.

I HAVE known E. J. Pruen since he was a boy, and always found him to be a steady well-conducted lad. I first knew him as a chorister boy at All Saints' Cathedral, Bathurst. The late Rev. Thomas (Canon) Smith had a high opinion of him, so had Mr. W. Kelk, by whom he was employed shortly after I first met him.

Pruen left Mr. Kelk's employ to enter this Department, and so far as I know there has not been anything against him up to the date of the present offence.

M. A. HORNIDGE,
Inspector.

10/6/87.

Minute by Mr. Traffic-Manager Read to The Commissioner for Railways.

I ENCLOSE certificates of character from Inspector Hornidge, Traffic Inspector of the Western District, and Mr. Farquhar, S.M., Bathurst, under whom Pruen has served since he has been in the service, from which it will be seen that he bore an excellent character up to the time he committed the offence for which he is now awaiting trial.

I think in view of the circumstances surrounding this case that if it is one in which a prosecution could be withdrawn it would be desirable to do so.

W.V.R., 11/6/87.

Forward copies to the Attorney-General.—CH.A.G., 15/6/87. The Attorney-General, 17/6/87.
Copies sent.

Minute by The Commissioner for Railways.

YOUNG Pruen is not a defaulter now, I understand. Money deficit has been paid in. Please reply to-day.
CH.A.G., 23/6/87.

I have informed the Commissioner, as advised by telephone, that the amount had been tendered, but not accepted. The Commissioner now wants the amount to be paid.—A.R. Traffic Manager, B.C., 24/6/87.

The amount of £50 1s. 7d. was paid into the Commercial Bank to the credit of the Colonial Treasurer on 22nd May, as per deposit receipt attached. The total deficiency was £50 1s. 9d. I understand that Pruen has since been bound over to appear when called upon.—W. V. READ, 7/7/87.

22 May, 1887.

PAID to the credit of the Colonial Treasurer, with the Commercial Banking Company of Sydney, the sum of £50 1s. 7d.*

Teller—H. LYSAGHT.

A. G. THOMPSON (p. E.P.B.)

* Cheque drawn by A. G. Thompson on A.J.S. Bank for £50 1s. 7d.

Credited to Colonial Treasurer, special voucher account, 25th May, 1887, by Bathurst Bank.

For the information of the Hon. the Attorney-General.—A.R. (for the Commissioner for Railways).
The Secretary to the Attorney-General, B.C., 9/7/87. Forwarded to the acting Clerk of the Peace.—
W.W.S., 11 July, 1887.

Minute by The Attorney-General.

UPON these papers I think that, if the Railway Department concur, it will be best that if the boy plead guilty the Crown should not pray judgment. This would allow the lad to use the chance of reform now offered to him. The final decision in this matter must however rest with the Railway Department, who are the prosecutors.

B.R.W., 22/6/87.

Will the Commissioner for Railways be good enough to state whether the Railway Department is inclined to concur with the course proposed by the Attorney-General to be adopted. If so, the necessary instructions will be given to the Crown Prosecutor.—W.W.S., B.C., 22nd June, 1887.

The Secretary, Victoria Life and General Insurance Co., to The Commissioner for Railways.

Victoria Life and General Insurance Company, New South Wales Branch,
83, Pitt-street North, 20 May, 1887.

Sir,
I beg to acknowledge the receipt of your letter, of 18th instant, giving notice of the amount of deficiency in the accounts of Edward J. Pruen, late assistant goods clerk at Bathurst, and now enclose the usual form of declaration for your signature.

I am, &c.,

FREDK. J. JACKSON.

I suppose this is in order for the Commissioner's signature.—A.R. Traffic Auditor, B.C., 23/5/87.
Yes.—M. SEALE (pro T.A.), 8/6/87.

[Enclosure.]

[Enclosure.]

DECLARATION.

I, CHARLES AUGUSTUS GOODCHAP, Commissioner for Railways at Sydney, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows:—That Edward Jenner Pruen defaulted to the amount of £50 ls. 9d; that the loss of this amount has been wholly due to the want of integrity, honesty, and fidelity on the part of the said Edward Jenner Pruen, and that all sums of money due from the Government to the said Edward Jenner Pruen, as salary or otherwise, have been made available towards reducing the amount claimed from the Victoria Life and General Insurance Company under policy No. 14,322 for £100, leaving a balance of £50 ls. 9d. lost to the Government, for which a claim is made. The said default occurred between the date of issue of the same Company's policy and the expiry of the same, and is properly claimable thereunder: And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of her present Majesty, intituled "An Act for the more effectual aboition of oaths and affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits."

Subscribed and declared at this day of 188 , before me.

Minute by The Commissioner for Railways on Declaration.

I do not think I could sign the within declaration, as I am under the impression the money due has been paid by the friends of Pruen. Make inquiry.—CH.A.G. With other papers attached.—A.R. Traffic auditor, B.C., 18/6/87. Will you please say if the amount has been paid.—B.J. S.M., Bathurst. I have not received authority to reserve this amount, nor have I received instructions from Traffic Auditor to take credit for the same. Not paid that I am aware of.—G. FARQUHAR, 27/6/87. Traffic Manager.

Indictment.

New South Wales.

HERBERT LOUIS POWER ELLES, Esquire, being the officer duly appointed to prosecute for Her Majesty in this behalf, by virtue of the Act in such case made, being present in the Court of Quarter Sessions at Bathurst on the 26th day of July, in the year 1887, charges that Edward Jenner Pruen on the 30th day of April, in the year 1887, at Bathurst, in the colony aforesaid, being then employed in the Public Service, to wit, as clerk, certain money, the property of Her Majesty, then being entrusted to him, by virtue and colour of his said employment did embezzle certain money, to wit, £48, the property of Her Majesty, being parcel of the money so entrusted to him, and did then fraudulently appropriate and dispose of the same.

HERBERT LOUIS POWER ELLES.

[On fold of Indictment.]

Cor. Ernest Brougham Docker, Esquire, Chairman; date of plea, 27th July, 1887; plea, guilty. Charles Joseph Pruen, of Bathurst, father of the accused, bound in £100 upon condition that he appear to receive sentence when and where called upon.—W. R. BEAVER, Acting Clerk of the Peace.

Minute by The Acting Clerk of the Peace.

Office of the Clerk of the Peace, Sydney, 21 September, 1887.

Re "Pruen"—embezzlement.

BETWEEN the dates of the committal and the trial, the Railway Department practically condoned the offence by accepting from the father of the accused a sum of money equal to the amount embezzled, and seemed anxious that the lad should not be further proceeded against. No other course could therefore be reasonably adopted at the Quarter Sessions than the one taken.

Accused had previously borne a very high character for honesty and carefulness, and the manner in which the offence was committed, the fact that he only stole a portion of the money entrusted to him, the theatrical way in which he took to the road with a loaded revolver, together with the rest of his conduct and demeanour, all appears to support the idea that the crime, in a certain sense, was the result, as Dr. Cortis suggested, of a weak or disordered mind.

Pruen pleaded guilty, and his father was bound in £100, upon condition that he (the accused) should appear for judgment when called upon. He was also told by the Judge that unless he were careful as to his doings in the future he would probably be called up for sentence upon this charge.

The father of the lad undertook to send him from Bathurst, to either a remote part of the Colony, or to some other part of the world.

W.R.B.

Telegram from The Acting Clerk of the Peace to The Superintendent of Police, Bathurst.

21 September, 1887.

REGINA v. PRUEN.—Accused bound last Bathurst Sessions to receive sentence when called upon, father undertaking to have him sent from Bathurst District. Has the accused left Bathurst, and is his present whereabouts known to the police? Please reply immediately for information of Attorney-General. Rush—urgent.

W. R. BEAVER,
Acting Clerk of the Peace.

Telegram from The Acting Superintendent of Police, Bathurst, to The Acting Clerk of the Peace.

Re your telegram respecting Edwin J. Pruen—he is now at Christchurch, New Zealand, employed in a store there; name of employer not known. Left here about three weeks since.

D. CARROLL, S.S.,
(Pro Superintendent).

For the information of the Attorney-General.—W.R.B., 21/9/87. The Secretary, B.C. Seen by the Attorney-General, and now returned.—W.W.S., 22/9/87. The Acting Clerk of the Peace.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS IN CONNECTION WITH CASE OF ASSAULT WITH INTENT ON ANNE MAXWELL).

Ordered by the Legislative Assembly to be printed, 23 July, 1888.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 3 July, 1888,—Praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

“Copies of the depositions and all other papers, petitions, &c., connected with the case Hennessy and another man, found guilty at the last Lismore Quarter Sessions of assault with intent to commit a rape on a woman named Anne Maxwell, and sentenced to thirteen years’ imprisonment and two floggings.”

(Mr. Buchanan.)

SCHEDULE.

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No. 1.

Depositions.

(M., 11 and 12 Vic., Cap. 42.—Depositions of Witnesses.)

New South Wales, }
Lismore, to wit. }

THE examination of George Wells, of Lismore, in the Colony of New South Wales, James Maslen, Dr. A. F. Parker, Anna Maxwell, H. A. Baird, Josiah Abbott, Joshua Saul, James Thompson, and John Thomas Smith, of Lismore, in the said Colony, taken on oath this 22nd day of March, in the year of Our Lord, 1888, at Lismore, 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 James Coady, Edward Tracey, and John Hennessy, who are charged this day before me, for that they, the said James Coady, Edward Tracey, and John Hennessy, on the 21st day of March, at Lismore, in the said Colony, did assault one Anna Maxwell with intent to commit a rape.

Court-house,

1067—A

[830 copies—Approximate Cost of Printing (labour and material), £11 6s. 10d.]

Court-house, Lismore, 22 March, 1888.

Present:—The Police Magistrate; L. Bernstein, Esq., J.P.

JAMES COADY and Edward Tracey and John Hennessy appear in custody charged with having, at Lismore, on Wednesday, 21st March, 1888, in the Colony of New South Wales, assaulted one Anna Maxwell, with intent to commit a rape.

And this deponent, on oath, states: My name is *George Wells*: I am Senior-Sergeant of Police at Lismore; I arrested the three prisoners now before the Court this morning, and charged them with assaulting Anna Maxwell, yesterday, 21st instant, with intent to commit a rape; I now ask to reserve my further evidence and ask for a remand for eight days for the production of further evidence.

Taken and sworn at Lismore, this 22nd }
day of March, 1888, before us,— }

GEO. WELLS.

JAMES BRAY, P.M.

Remanded for eight days.

J. BRAY, P.M.

Court-house, Lismore, 29 March, 1888.

Present:—J. Bray, Esq., P.M.; E. Pratt, Esq., M.D., J.P.; L. Bernstein, Esq., J.P.

JAMES COADY, Edward Tracey, and John Hennessy, on remand, charged with assault with intent to commit a rape upon one Anna Maxwell.

And this deponent, on oath, states: My name is *A. F. Parker*; I am a legally qualified medical practitioner at Lismore; I visited the lock-up on the morning of 23rd instant and saw Anna Maxwell there and examined her and found she had a miscarriage; she had been about six weeks in the family way; on examination I found she had several bruises on the body, two slight on left arm, a slight one on right arm, and a very slight one on right hip; those were the bruises I saw; she afterwards complained that she had hurt her side; she was then removed to the hospital, and has been there since till to-day.

Cross-examined by Mr. Dickey:—The bruises were so slight that anything might have caused them; she had the miscarriage in the lock-up; it could be caused by being roughly handled.

ARTHUR F. PARKER.

Sworn at Lismore, 28th March, 1888, }
before us,— }

J. BRAY, P.M.

AND this deponent, on oath, states: My name is *Anna Maxwell*; I am the wife of George Maxwell; I recollect the 21st of this month; I was at Jackson's Hotel at between 12 and 1 o'clock; I was there about an hour, and left and went to White's, and then went to Jackson's again and had some lunch and left about between 2 and 3 o'clock and went to a field on the road to Mr. Stock's house and sat down behind a large tree and fell asleep; some one then caught me by both arms; I thought it was a policeman and looked up, and when I found it was not I struggled to get away; the man said, "It is all right, sit down;" I said, "What do you want?" he said, "Sit down"—the man in the centre is the man (Hennessy); then another man came round the tree and said, "Sit down, we are not going to hurt you"—the man to the right is the one (Tracey); I said, "I won't sit down," and they both pushed me down; they held my arms one on one side and one on the other; I tried with all my force to get away again, but could not; after a time I got on to my feet, and they knocked me down again; I am not positive which one did it—but Hennessy gave me most abuse when I was on my back—one of them lifted my clothes and I kept struggling, and the other man pushed this one away and used the same violence himself, it was Tracey who did this; he had my clothes partly up; I felt their hands under my clothes and up between my legs and on my person; they both had their trousers unbuttoned, and I saw their person exposed; after the second one attacked me I got on to my feet again and tried to run away; they caught hold of my cloak (produced) and they tore it; I undid the neck of the cloak and left it in their hands, and ran away, and one of them caught me again—it was Hennessy; he caught me by the arm; Tracey had the cloak, and called out "If you come back and get your cloak we will let you go;" Hennessy brought me back to Tracey, and they both caught hold of me and forced me down; I was very weak after struggling so long; they sat by my side and kept me down, but did not molest me further then; I cried out, but no one seemed to hear; a horseman passed at a distance, with a white jacket on; they kept me there a long, long time; they said "Keep quiet, and we will not harm you;" I was half stupid with the treatment and drink I had had; they both rose to their feet and left, as if going to the town, and I intended to run when I got the chance, but Hennessy came back and he tried to abuse me again in the same manner as previously described, and when I screamed he put his hand over my mouth; someone passed at this time, on horseback, and I said something to Hennessy; I could not scream as he had his hand on my mouth; he did not succeed in committing any offence except what is stated; I said "I feel as if I'll die, I am fainting;" he then said "Sit up, and when my mate comes back I'll give you a drink;" he kept then in this position and kept molesting me by putting his hand under my clothes; Tracey then came back and sat down, and did not molest me further; he said something to his companion; I said "Let me go home;" Tracey said "Wait till it gets a bit dark;" Hennessy said "You may as well keep quiet;" he swore at me, and said he would choke me if I screamed out; one of them said "Here is someone coming, get up and get out of the way;" I got up and got across the paddock as well as I could, and tried to steady myself at the fence, being too weak to walk on; they then came up again, and said, "You must not stay here, there is someone coming; one said, "We are in for it over this;" I could not walk, and they dragged me along towards the town; one had hold of one arm, and the other hold of the other; one let go and ran forward saying "Hold on there, I'll see who it is;" but the other one dragged me along to an opening like a back lane, and left me; one said to his mate "You run one way, and I'll run the other;" the police then came up—the Sergeant and Constable Brown, and the two men, Hennessy and Tracey, were brought back by the police, and told to assist me to the police office, and I was taken to the lock-up; I was very ill in the lock-up; I thought the men were being taken to the lock-up also; I called for assistance in the night, but did not make any one hear; I was charged with drunkenness before the Court next morning, and was attended by the doctor at the lock-up the next morning; I did not make any complaint about the prisoners till the morning of 22nd, when the prisoners before the Court were brought to me in Police Magistrate's room; I then identified two of them; I don't recollect what they

they said; I made a statement to the effect that they had assaulted me; I was then taken back to the lock-up, and that night was very ill, and saw the doctor next morning, and was then removed to the hospital; I had a miscarriage, which must have been caused by the ill-treatment I received from prisoners; I had the miscarriage in the lock-up before I was removed to the hospital; I do not recollect the prisoner Coady being there; when he was brought into the Police Magistrate's room he said, "I never saw that woman before," meaning me.

Cross-examined by Mr. Dickey: I had not been home on that Wednesday, 21st; I had been arrested on 20th, for drunkenness, and was before the Court on 21st, and left about 11 o'clock, and went to Dr. Goggins', and stayed about an hour; I then went to Jackson's Hotel, calling at White's on the way; I was at Paulson's first; called there on my way to Dr. Goggins', and got half glass-brandy in yard; I got a small bottle of beer at Jackson's, drank it at White's, and stayed for about an hour, and then went back to Jackson's and had lunch, and had a small bottle of beer; besides this I can't say if I had more, but I think I had another beer; I am not aware that I asked any of the men there for a drink; I was excited; some man was singing a song, and I asked for the song to be sung again; some man asked me why I was crying; I said, "I could not stand the song;" after the song I went to the back to the closet, and closed the door; some man came up and tried to force the door in, and was just inside when some one caught hold of him and swung him out; Jackson did this; the man did not beg my pardon when he opened the door; I did not say, "You may come in;" after this Jackson said something to me, and I left the house; my luncheon at Jackson's consisted of bread and cheese; I was in the kitchen at Jackson's; I think Hennessy was there; I asked Mrs. Jackson for more beer; she refused; Hennessy said, "Let her have some;" I do not remember if I got it; after this I left, and got no more beer; some man touched me on the arm, and said, "Come back and get your beer;" I refused, as the police had cautioned me; I left Jackson's by the back door; I did not go home because my husband was there; I left Jackson's alone, and went straight to the tree previously mentioned—alone all the way; I can't say how long I slept before the men came up; I sat against the tree with my cloak on; I put it on there; I was not quite sober; had I been so I should have come back through the town; when I was awoke Hennessy's was the first face I saw; I can't say how long I was there; it was getting dark when I left; I was much exhausted; the two men acted together as stated; they tried to violate me; when the police came up I was not drunk, but was thoroughly exhausted, and two men helped me to the police office; I don't think I fell; if I did it was through exhaustion; the two prisoners were drunk; I complained to the police on Thursday morning; I did not complain before as I thought the men were locked up for the offence, and was surprised on Thursday morning to find they were not; I only noticed two persons pass on horseback; I did not speak to prisoners in a friendly way at all after they assaulted me; I had no drink from them, and asked for none; one man who passed was in speaking distance, and spoke to one prisoner; I was assisted to the lock-up, and not hurt; my miscarriage could not have been occasioned by any hurt going to the lock-up; I do not think I sat down, but will not swear it; I did not see the men let off that evening by the police; I was ill, but there was no one to complain to; I was in the cell; the men brought me to the lock-up and I was locked up; I saw the men going out of the gate, but did not know where they were going; I thought they were under arrest for abusing me; I was too ill to complain or think of anything.

Sworn at Police Court, Lismore, this }
28 March, 1888, before us,—

Mrs. ANNA MAXWELL.

J. BRAY, P.M.

AND this deponent, on oath, states: My name is *Henry Alfred Baird*; I am a teamster at Lismore; I remember Wednesday, 21st instant; I was driving a team of three horses on the Gundurimba Road; I saw a woman and three men on a road the other side of the Public School, between 3 and 4 o'clock; the three prisoners are the men, and Mrs. Maxwell is the woman, and she wore a red dress; I am not sure that it was a road, it was a flat the other side of Simmou's paddock; I then turned on to the Gundurimba Road, and saw Tracey; he got up from one side of the tree and went round to the other side and was undoing his trousers, and the woman got up to run or go off, and Tracey went after her, got her under the arms, and half carried and half dragged her to another tree; the other two men were under another tree a distance off; Tracey after came away from her buttoning up his trousers, and went to the other men; he had knocked her down and got on top; she was wrestling about on the ground; Coady then went to the woman at the tree and laid down by the woman; I saw him roll over; I did not see him on the woman; he left, and I saw him buttoning up his trousers, and the third man, Hennessy, then went to the woman; I turned my back then and kept going on, and can't say what he did; when I looked again the three men then left, and went towards the town; in about half-an-hour one of them returned to the woman, and another in another direction; Tracey was one; I sang out to him; he was about 30 yards off; I said, "I say old man, you ought to give that bloody spell over there;" he looked, and said nothing, but went on towards the woman, and sat down beside her with the other man; just before this Mr. Larkins passed, also William M'Lennon; Larkins and his brother were quite close to the tree; M'Lennon was about 125 yards off them; this was when the men came back the second time; I pointed the men out to the police next morning; I did not see her with a cloak on, but I saw them throw something towards her when leaving her the first time.

Cross-examined by Mr. Dickey: I was not nearer than 150 yards; there was a strong wind blowing away from me, and I could not hear any screams; I could not swear she was detained against her will; when I first saw them it appeared to be a man knocking a swag about, but when I got closer I saw it was a woman; Tracey did not look drunk; I could not say for the others; I have seen Coady often before, and can swear to him; I was once about 130 yards off Coady; I swear there were three men with the woman; Mrs. Maxwell, when running, appeared drunk; I thought they were abusing the woman, but did not interfere; I was working at a log for a time while I saw this; I spoke to police next morning about this, and assisted them; there were five or six men with them when I pointed them out to the police; when I saw them first Tracey and the woman were together on the flat named, and the other two men were 30 or 40 yards off; I was on the road, and had to turn a corner just then; I saw Tracey put her down on the ground then, and she got up; I was about 200 yards off; Tracey then went round the tree and undid his trousers; she got up and made off; Tracey caught her and took her to another tree.

Sworn at Police Court, Lismore, this }
28th March, 1888, before us,—

H. BAIRD.

J. BRAY, P.M.

AND

AND this deponent, on oath, states: My name is *Josiah Abbott*; I recollect Wednesday, the 21st instant; I saw a woman wearing a red dress on the flat near Cawley's, above Ballina-street; there was a man there with her; it was about half-past 5 p.m.; I was 3 or 4 chains off, and did not hear voices; she did not appear to resist; I could not say that the prisoners were there; she followed me towards Ballina-street; she had no hat on; she fell down when no one was near her; a man followed her down; I did not see him touch her; I did not pay particular attention.

Taken and sworn at Lismore Court-house, }
 this 28th March, 1888, before us,— }
 J. BRAY, P.M.

his
 JOSIAH × ABBOTT.
 mark.

AND this deponent, on oath, states: My name is *Joshua Saul*; I am a bullock driver; I recollect 21st of this month; on that day I saw Coady and Tracey with Mrs. Maxwell, about half-past 2 o'clock p.m., near Musgrave's, in Conway-street, going along the Gundurimba Road; Mrs. Maxwell was about 20 or 30 yards ahead, and they appeared to be following her; I met them as I was coming into town; on going back in about an hour I saw them again about 150 yards off the Gundurimba Road; the woman tried to run away, and one of them, I can't say which, caught hold of her and pulled her down; she was dressed in red, and no hat; after this she got away and came to where I was on the road with J. Marsden; she spoke to Marsden, and he pointed for her to follow me; she did so for 60 or 70 yards; Tracey followed her and threw her down; another man, I can't swear to, came up to them and they both stayed for some time; when Tracey threw her down she appeared to resist; I think it was Hennessy who came up; I did not see his face, but recognize his clothes; Mr. Abbott then came along and they let her go; they were both holding her on the ground; Abbott had a light-coloured shirt on; he was walking; she followed Abbott for about 100 yards; Tracey followed her again and caught her and threw her down; the other man, I think Hennessy, again went up to him and the woman; after this I saw the police and told them something, but not what I have stated now; I merely pointed out where they were.

Cross-examined by Mr. Dickey: At one time I was 100 or 150 yards off them, never closer; I have told all I saw; I did not see her dress lifted; she appeared tipsy; when they were sitting down together the man appeared friendly; she was resisting; I did not hear her scream; when Marsden told her to follow me she was 20 or 30 yards off; I thought she was being abused, but did not interfere, as I did not want her to go up near the houses—my own place and Edwards'; I was working with Baird loading up.

Taken and sworn at Police Court, Lismore, }
 the 28th March, 1888, before us,— }
 J. BRAY, P.M.

JOSHUA SAUL.

Court-house, Lismore, 4 April, 1888.

Present:—The Police Magistrate; E. H. L. Pratt, Esq., J.P.; L. Bernstein, Esq., J.P.

JAMES COADY, Edward Tracey, and John Hennessy appear in custody, on remand, charged with assault with intent to commit a rape on Anna Maxwell.

AND this deponent, on oath, states: My name is *James Maslen*; I am a carter here, and recollect 21st March; I was bringing wood from the direction of show-ground to the town; I saw Joshua Saul on the road; Gundurimba Road; I stopped to talk to him; I looked on the flat, towards the recreation ground, and saw two men and a woman; this was between 4 and 5 o'clock; the woman was sitting down, and a man beside her, and the other man was behind a tree apparently watching us; I can't say that the prisoners were the men; one was in a gray suit; the woman was in a red dress; the woman (Mrs. Maxwell) just left the Court is the woman; I was on the load of wood; the man beside the woman went to the other man, and the woman came towards us, and was saying something, but, when within 20 yards, we started off; she appeared drunk; she was following me, and I beckoned to her to follow Saul; one man then followed her with a hat in his hand, and he crossed the road to her; she walked very fast to catch the dray; she nearly caught it; she had no hat on, and her hair was disorderly.

Cross-examined by Mr. Dickey: I only saw two men, and did not see them use any violence towards the woman; I was 200 yards off when she came to the dray; she was getting away, and was trying to tell me something; I heard no screams; one man followed her with a hat in his hand, but I can't say what he did as I got out of sight.

Taken and sworn at Police Court, Lismore, }
 28th March, 1888, before us,— }
 J. BRAY, P.M.

JAMES MASLEN.

HENRY ALFRED BAIRD, recalled and resworn, states: I have already given evidence; I now look at a map; the assault on Mrs. Maxwell, as stated in my previous evidence, was committed on the spot marked with a red cross (+).

Taken and sworn at Police Court, Lismore, }
 4th April, 1888, before us,— }
 J. BRAY, P.M.

H. A. BAIRD.

AND this deponent, on oath, states:—My name is *James Thompson*; I am a drayman, and recollect 21st of March; I saw Coady and Mrs. Maxwell on that day in Ballina-street, between 5 and 6 o'clock, p.m.; Mrs. Maxwell was coming from the flat towards the town; she appeared intoxicated; on the left, towards the flat, there was a man walking fast towards her; Coady was the man; he got up to her, caught her by the left arm, and stopped her; she snatched her arm away from him; she went on; he walked by her side; he caught her again, and stopped her; she resisted; he did this again, and she appeared to be falling, and he put her on the footpath to sit down; she appeared in a fainting position; I then passed her, and recognized her as Mrs. Maxwell, and noticed the man too particularly, and when I left they were sitting there; she had no hat on and wore a red dress.

Cross-examined by Mr. Dickey: I did not see the other prisoners near her.

Taken and sworn at Police Court, Lismore, }
 4th April, 1888, before us,— }
 J. BRAY, P.M.

JAMES THOMPSON.

AND

AND this deponent, on oath, states: My name is *John Thomas Smith*; I am a labourer, at Wilson's Ridges, and remember 21st of March; I was leaving Cotter's mill about 2:30 or 3 p.m.; I saw the three men and the lady going towards Cowley's; the shortest of the three men was walking with her; Coady was one of the men, and the other two prisoners are like the other two men; the woman had a red dress on; I cannot swear that the woman before the Court was the one; they were on the road leading to Gundurimba; I was about 15 yards behind; the woman and Tracey went round the fence; he caught her by the shoulders and tried to put her down, and wrestled with her about 15 minutes before he could get her down, and then put her on the ground, and then he unbuttoned his trousers; while she was on the ground she struggled, and he kept her in that position five or ten minutes; he then went over to the other two men; she got up, and sat up; I think Coady then went up to her; she fell back on the grass, and he fell on the grass too alongside of her; I did not see him touch her; he staid five or six minutes with her; she did not seem to struggle with Coady; he then went to the other two men, and the third man went up to her, and he did not see her get up any more; the third man caught her by the shoulders, and appeared to hold her down; that was the man with black whiskers (Hennessy); she was struggling, and struggled ten or fifteen minutes; I did not see him leave her; I was then over the hill, and saw no more; I look at a map, and the spot marked with a red cross (X) is the spot where the woman was on the ground, and assaulted by the persons.

Cross-examined by Mr. Dickey: I did not know the prisoners before; I was not nearer than 60 yards; I was driving a team of bullocks; I did not hear the woman scream; I think the woman was the worse for liquor; I did not shout when she struggled nor interfere; I would have done so but I had young bullocks, and could not leave them; I saw Cowley at his house; he could see all this; it occurred about 3 o'clock p.m.; Abbott was also about; I could not hear them talking; they approached her one after the other; when Tracey left her she could have escaped, if able; I identify Hennessy by his clothes, the same he has now; she may have got away before the third man went to her, but I think she was too much under the influence of liquor.

By Bench: I took a memo. of this as my memory is bad, and I thought I might be called upon to give evidence; I had no watch; I judge the time by the time I left the mill; I was close to Cowley, five or six yards; I thought the woman was being abused, but made no complaint.

By Police: I complained to my father and mother when I went home, and then wrote down the particulars.

JOHN THOMAS SMITH.

Taken and sworn at Police Court, Lismore, }
4th April, 1888, before us,— }
J. BRAY, P.M. ———

AND this deponent, on oath, states: My name is *George Wells*; I am a Senior-Sergeant of Police, and remember Wednesday, 21st March; about 4:45 p.m. on that day, from something I heard, I proceeded with Constable Brown to section 19 on the plan (produced); after searching for some time, the prisoners, Hennessy and Tracey, and the woman, Mrs. Maxwell, were pointed out to me by witness Saul; they were going along Dawson-street; the men appeared to be helping the woman along, one on each side; I approached them running, and they turned off to a vacant lot near the *Chronicle* Office; the men then looked about and started to run round the corner; just as they let her go she tried to walk, but fell on her knees, and then laid down; I then got the horse from Doolan the line repairer, who rode up, and followed the two men; I caught them, and called on them to assist the woman they had left to the lock-up; they were then in Keen-street, going towards Tattersall's Hotel; they appeared sober; they came back and assisted her to the lock-up; she appeared perfectly stupid, said nothing, but could walk along when assisted; the woman was Mrs. Maxwell; at the time I knew nothing of this offence, and allowed the men to go; Mrs. Maxwell was locked up for drunkenness; next morning, from something she said, I made inquiries and subsequently arrested the prisoners; before arresting them I brought them before the woman in the Police Magistrate's room; she then identified Hennessy and Tracey as the two men who had assaulted her on 21st; she said she had no recollection of Coady; Coady was then told to leave the room, and did so; I then charged Hennessy and Tracey with having assaulted Mrs. Maxwell with intent to commit a rape on 21st March; Tracey said in reply, "I saw Mrs. Maxwell yesterday about noon at Jackson's Hotel; she asked me to take her out and get her a drink; I then walked out to the back of Jackson's premises, but got her no drink; she said 'I would like to lay down, I feel sick;' she was the worse for liquor; we walked down to a paddock near the Recreation Ground; she laid down under a tree; I then went away to the town; I came back to try and get her back to Jackson's Hotel again; I tried to get her along but could not; this was about two hours after I first left her there; I found I could not get her along, then left her; this was about the time the police came up, and brought us back to help the woman to the lock-up."

Hennessy said, "I came into the town yesterday morning; I was working for Michael Consadine; yesterday evening I was near the cricket ground and took a walk through one of the paddocks, and saw a woman standing against the fence; she was very drunk; she asked was I going to shout; I said no, I am going about my business; I never saw the woman before then; I walked away and Tracey came after me; he was with the woman at the time; he asked me for a match; the police came up about that time; I was not in the woman's company more than three or four minutes;" from information received that morning I caused Coady to be brought back to the room; I said, "Look at Mrs. Maxwell," and gave him the usual caution; he said, "I never saw the woman till to-day;" I then charged him with assaulting Mrs. Maxwell with intent to commit a rape, and caused him and the others to be locked up; Tracey said Coady was present; I said to Tracey, pointing to Coady, "Was he not with you?" Tracey said, "Yes, he was out."

Cross-examined by Mr. Dickey: I saw Mrs. Maxwell the night before she was locked up for drunkenness; she was reprimanded by the Bench on 21st for the offence; I do not think she was up for drunkenness before.

GEO. WELLS.

Taken and sworn at Police Court, Lismore, }
on the 4th April, 1888, before us,— }
J. BRAY, P.M. ———

(N., 11 & 12 Vic., Cap. 42.)

Statement of the Accused.

New South Wales, }
Lismore, to wit. }

EDWARD TRACEY stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 4th day of April, in the year of Our Lord 1888, for that he, the said Edward Tracey, on the 21st day of March last, at Lismore, in the said Colony, did assault one Anna Maxwell with intent to commit a rape; and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, (by or) before whom such examination has been so completed; and I, the said Justice, having also stated to the accused and given him to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given in evidence against him upon his trial, notwithstanding such promise or threat; and the said charge being read to the said Edward Tracey, and the witnesses for the prosecution being severally examined in his presence, the said Edward Tracey 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 Edward Tracey saith as follows:—"I reserve my defence."

Taken before me, at Lismore, in the said Colony, the day and year first above mentioned.

J. BRAY, P.M., J.P.

(N., 11 & 12 Vic., Cap. 42.)

Statement of the Accused.

New South Wales, }
Lismore, to wit. }

JOHN HENNESSY stands charged before the undersigned, one of Her Majesty's Justices of the Peace, in and for the Colony aforesaid, this 4th day of April, in the year of Our Lord 1888, for that he, the said John Hennessy, on the twenty-first day of March, at Lismore, in the said Colony, did assault one Anna Maxwell with intent to commit a rape, and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, (by or) before whom such examination has been so completed; and I, the said Justice, having also stated to the accused and given him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given in evidence against him upon his trial, notwithstanding such promise or threat; and the said charge being read to the said John Hennessy, and the witnesses for the prosecution being severally examined in his presence, the said John Hennessy 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 John Hennessy saith as follows:—"I reserve my defence".

Taken before me at Lismore, in the said Colony, the day and year first above mentioned.

J. BRAY, P.M., J.P.

(N., 11 & 12 Vic., Cap. 42.)

Statement of the Accused.

New South Wales, }
Lismore, to wit. }

JAMES COADY stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 4th day of April, in the year of Our Lord 1888, for that he, the said James Coady, on the twenty-first day of March, at Lismore, in the said Colony, did assault one Anna Maxwell, with intent to commit a rape, and the examinations of all the witnesses on the part of the prosecution having been completed, and the depositions taken against the accused having been caused to be read to him by me, the said Justice, (by or) before whom such examination has been so completed; and I, the said Justice, having also stated to the accused and given him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall say may be given against him in evidence upon his trial, notwithstanding such promise or threat; and the said charge being read to the said James Coady, and the witnesses for the prosecution being severally examined in his presence, the said James Coady 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 James Coady saith as follows:—"I reserve my defence."

Taken before me, at Lismore, in the said Colony, the day and year first above mentioned.

J. BRAY, P.M., J.P.

JAMES COADY, Edward Tracey, and John Hennessy stand committed to take their trial at the next Court of Quarter Sessions, to be holden at Lismore, on 8th May, 1888, or at such other time and place the Attorney-General may appoint, on a charge of having at Lismore, on 21st March, 1888, assaulted one Anna Maxwell, with intent to commit a rape.

JAMES BRAY, P.M.
EUSTACE H. L. PRATT, J.P.

Bail allowed.—Prisoners in £500 each, and two sureties for each, each surety in £250.

JAMES BRAY, P.M.
EUSTACE H. L. PRATT, J.P.

(01,

(O. 1, 11 & 12 Vic., Cap. 42.)
Recognizance to give Evidence.

New South Wales, }
Lismore, to wit. }

BE it remembered, That on the 4th day of April, in the year of Our Lord 1888, John Thomas Smith, of Lismore, in the Colony of New South Wales, personally came before the undersigned, one of Her Majesty's Justices of the Peace for the Colony of New South Wales, and acknowledged himself to owe our Sovereign Lady the Queen the sum of £40 of good and lawful money of Great Britain, to be made and levied on his goods and chattels, lands and tenements, to the use of our said Lady the Queen, her Heirs and Successors, if he, the said before-mentioned person, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Lismore in the said Colony, before me,—

J. BRAY, P.M.

The condition of the within-written recognizance is such, that whereas James Coady, Edward Tracey, and John Hennessy were this day charged before J. Bray, E. H. L. Pratt, and L. Bernstein, Esquires, three of Her Majesty's Justices of the Peace for the said Colony, with assaulting one Anna Maxwell, with intent to commit a rape. If, therefore, they, the before-mentioned persons, shall appear at the next Court of Quarter Sessions to be holden at Lismore, in and for the Colony of New South Wales, on the 8th day of May next, at nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said James Coady, Edward Tracey, and John Hennessy for the offence aforesaid, to the Jurors who shall pass upon the trial of the said James Coady, Edward Tracey, and John Hennessy, then the said recognizance to be void, or else to stand in full force and virtue.

J. BRAY, P.M.

(O. 1, 11, and 12 Vic., Cap. 42.)
Recognizance to give Evidence.

New South Wales, }
Lismore, to wit. }

BE it remembered, That on the 4th day of April, in the year of Our Lord 1888, Josiah Abbott, of Lismore, Joshua Saul, of Lismore, in the Colony of New South Wales, James Maslen, of Lismore, in the said Colony, and James Thompson of Lismore, in the said Colony, personally came before the undersigned, one of Her Majesty's Justices of the Peace for the Colony of New South Wales, and acknowledged themselves to owe Our Sovereign Lady the Queen the sum of £40 each, 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 before-mentioned persons, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Lismore, in the said Colony, before me,—

J. BRAY, P.M.

The condition of the within-written recognizance is such, that whereas James Coady, Edward Tracey, and John Hennessy were this day charged before J. Bray, E. H. L. Pratt, and L. Bernstein, Esquires, three of Her Majesty's Justices of the Peace for the said Colony, with assaulting one Anna Maxwell, with intent to commit a rape. If therefore, they, the before-mentioned persons, shall appear at the next Court of Quarter Sessions to be holden at Lismore, in and for the Colony of New South Wales, on the 8th day of May next, at nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said James Coady, Edward Tracey, and John Hennessy, for the offence aforesaid, to the Jurors who shall pass upon the trial of the said James Coady, Edward Tracey, and John Hennessy. Then the said recognizance to be void, or else to stand in full force and virtue.

J. BRAY, P.M.

(O. 1, 11 & 12 Vic., Cap. 42.)
Recognizance to give Evidence.

New South Wales, }
Lismore, to wit. }

BE it remembered, That on the 4th day of April, in the year of Our Lord 1888, George Wells, a Senior-Sergeant of the Police Force; Arthur F. Parker, of Lismore, in the Colony of New South Wales; Anna Maxwell, of Lismore, in the said Colony; and Henry Alfred Baird, of Lismore, in the said Colony, personally came before the undersigned, one of Her Majesty's Justices of the Peace for the Colony of New South Wales, and acknowledged themselves to owe Our Sovereign Lady the Queen the sum of £40 each 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 before-mentioned persons, shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned, at Lismore, in the said Colony, before me,—

J. BRAY, P.M.

The condition of the within-written recognizance is such, that whereas James Coady, Edward Tracey, and John Hennessy, were this day charged before J. Bray, E. H. L. Pratt, and L. Bernstein, Esquires, three of Her Majesty's Justices of the Peace for the said Colony, with assaulting one Anna Maxwell, with intent to commit a rape. If therefore, they, the before-mentioned persons, shall appear at the next court of Quarter Sessions, to be holden at Lismore, in and for the Colony of New South Wales on the 8th day of May next, at nine of the clock in the forenoon, and then and there give such evidence, as they know, upon an information to be then and there preferred against the said James Coady, Edward Tracey, and John Hennessy, for the offence aforesaid, to the Jurors who shall pass upon the trial of the said James Coady, Edward Tracey, and John Hennessy. Then the said recognizance to be void, or else to stand in full force and virtue.

J. BRAY, P.M.

I OBJECT to the prisoners being identified by Mrs. Maxwell while in the dock, because other parties should have been placed side by side with the prisoners when the prosecutrix was required to identify the prisoners,—and also identification of any of the witnesses of the prisoners while they were in the box, without other persons being placed alongside them.

28 March, 1888.

CONLY DICKEY,
Attorney for the Defence.

I ALSO object to the witness John Thomas Smith's evidence being taken from a written statement on Wednesday the 4th April instant.

4 April, 1888.

CONLY DICKEY.

Memo. made by L. Bernstein, J.P., in the Record Book :—

I CONSIDER there is no evidence against J. Coady, and in reference to E. Tracey and J. Hennessy, the evidence discloses only indecent assault.

L. BERNSTEIN, J.P.

No. 2.

Dr. Bernstein to N. J. Simmons, Esq.

Dear Simmons,—

Lismore, New South Wales, 19 May, 1888.

I am enclosing you a petition, signed by the leading magistrates and jurymen. I did not consider it necessary to have it signed by too many, as I know the peculiar circumstances, well known to you, will enable you to explain to the Minister the reason for the favour. You are perfectly well aware that none of us could, would, or wish to, condone such offences; but the peculiar features of the affair demand it.

I have the deliberate statement of nearly all the jurymen who knew the parties that they never supposed the punishment would exceed six or nine months' imprisonment, which in their opinion would meet the end of Justice.

* * * * *

Believe me, &c.,
LOUIS BERNSTEIN.

[Enclosure.]

To the Hon. the Minister of Justice.

The Petition of the undersigned residents of Lismore, in the Colony of New South Wales,—

HUMBLY SHOWETH :—

That, at the Court of Quarter Sessions, held in Lismore, before His Honor Judge Murray, on the 11th day of May instant, three men—James Coady, Edward Tracey, and John Hennessy—were charged with an attempt to commit a rape upon one Anna Maxwell. A second count charged them with indecent assault.

That the said James Coady was acquitted, and the prisoners Tracey and Hennessy convicted of indecent assault, the Judge sentencing them each to three years hard labour and twenty-five lashes, the flogging to be inflicted one month after the passing of the sentence.

That your petitioners now pray that you will be pleased to remit the latter portion of the sentence recorded, on the grounds,—

1. That the evidence for the defence did not sufficiently disclose the antecedents of the said Anna Maxwell or certain other circumstances of an extenuating character.
2. That the majority of the jurymen were of opinion that very little, if any, violence was used towards the woman.
3. That the Jury found the prisoners guilty chiefly because of the outrage upon public decency, as disclosed in the evidence.
4. That the convicted prisoners were not known, hitherto, as men of bad character.
5. That the severity of the sentence is likely to prevent Juries from finding prisoners guilty of similar offences in future (there being a special antipathy to flogging prisoners), thus defeating the ends of Justice.
6. That nearly all the Jury regard the sentence as a heavy one, apart from the flogging.
7. That the evidence of the woman Anna Maxwell showed her to have been in a condition which precluded her from having any clear or distinct knowledge of what occurred, as is proved by the fact that she stated she had no recollection of the man James Coady (who was acquitted), while several witnesses swore to his having been in her company and that of the convicted men, all through the affair.

Your Petitioners therefore pray that you will be pleased to take the foregoing premises into your favorable consideration, and grant the request therein contained.

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

+ Jeremiah C. Doyle, Bishop of Grafton.
Alexr. J. Simpson, Mayor, Lismore.
George Larkin, J.P., Lismore.
T. C. Lodge, J.P., Lismore.
H. O'B. Wilson, J.P., Foreman of Jury, Lismore.
James Barrie, J.P., Deputy-Sheriff.
Dr. L. Bernstein, J.P., Lismore.

E. W. Allingham, Solicitor, Lismore.
Robert McKenzie, Jurymen, Lismore.
Charles H. Stanford, Jurymen, Lismore.
Peter Dawson, Jurymen, Lismore.
M. T. Cockerell, Jurymen, Lismore.
Nathan J. Simmons, Solicitor, Lismore.

Lismore, May 18th, 1888.

His Honor Mr. District Court Judge Murray for favour of report as to remission of corporal punishment.—T. E. McN. (for U.S.), B.C., 25/5/88.

No. 3.

Report of Mr. District Court Judge Murray.

THREE men—Coady, Tracey, and Hennessy—were charged in the First Court with assaulting, with intent to ravish, in the second with indecently assaulting, one Anna Maxwell. The circumstances of the case were peculiar, and in some respects peculiarly atrocious.

The prosecutrix is a young married woman, fairly well educated, and, as far as I could gather, of good moral character, except for her occasional habit of drinking to excess. This had led to quarrels between her and her husband; but she had been living with him shortly before the offence was committed. She was at the time *enceinte*. The result of what occurred was a miscarriage. The night before she had been

been in the lock-up for drunkenness; she was discharged in the forenoon, and was then in a weak and nervous state from want of food and from agitation. She went to a public-house in Lismore, and there, or partly there, and partly at other houses, became intoxicated—in her weak state, no doubt, being easily affected by drink. Then, hardly conscious of what she was doing, she walked out along the Guundurimba Road for the purpose of getting into some quiet place and sleeping—not being able to get into her own house. She carried on her arm a fur cloak—seeming just to have sufficient knowledge of what she was about to take this as a covering. Of what followed she and certain witnesses who saw part of the occurrence gave a different account. I believe she was either actually unconscious of the first and worse part of this disgusting affair, or that her partial consciousness of it was afterwards merged and driven beyond power of recollection by the events of which she became more fully aware; or else (a more probable theory) that she was ashamed to admit the full horror and disgrace of what she actually did dimly remember, and that only in that one respect of untruly concealing her shame she did not tell the whole truth. Her account was that she fell asleep, not being aware that she was not alone, near a tree in a paddock not far from the road; that she was roughly awakened; then she went on to narrate how she was assaulted by Tracey and Hennessy, who attempted to ravish her, used most filthy threats—one which she would not mention, but wrote down, it is inconceivable that any woman could invent, except perhaps the lowest prostitute—and, after detaining her for a long time, at last only let her escape when they were aware that they were observed.

Practically, the account she gave of what was then going on was consistent with the evidence of nearly all the other witnesses. These witnesses, however, principally young men, whose ideas of decency and of their duty to women certainly seemed to be disgracefully loose, but who could hardly be supposed to be narrating facts which actually bore a less atrocious aspect than their account put upon them, but rather probably looked worse than they chose to admit—gave an account of what appeared to be a rape committed by the three men Coady, Tracey, and Hennessy, upon a woman so drunk as to be incapable of resistance—to be barely, if at all, conscious of what was going on. This is how it seems this crime began: Undoubtedly the three men followed Mrs. Maxwell out, or one accompanied her and the others followed; there can only be one suggestion even as to what their object was; undoubtedly she was both drunk and weak; undoubtedly they had found out the state she was in; undoubtedly, I am afraid, what was really a triple rape was committed; Coady then left; he hung about afterwards; but Tracey and Hennessy seem to have attempted to repeat the offence after Mrs. Maxwell had woken from her drunken sleep; whether or not she knew what had actually occurred, she chose to narrate only that part of her terrible experience; this accounts for Coady's acquittal, though I believe he—a man of certainly bad character—was the worst of the three; they were probably all stimulated by drink; Hennessy and Tracey had fairly good characters. On the question of what the jury thought, and why they acquitted Coady, I think I am now justified in disclosing, and in fact bound to attach hereto, a remarkable letter which I received a day or two after the case was tried. It will be found attached. As to the necessity for imposing such a sentence as will be an effective warning to the young men of Lismore the conduct of the witnesses, who, by their own admission, acted as utter blackguards and cowards in not interfering when they saw what to them must have appeared to be at least possibly a rape on a woman incapable of resistance, by itself raises a presumption that strong measures are necessary. Probably the police magistrate could give some valuable information on this head. The Legislature, at any rate, has cast on Judges a duty which I consider I should have disregarded if I had omitted to take advantage of the very effective mode of punishment provided for bad cases of indecent assault. It would be hard to imagine a much worse case than this—a case in which a much more serious charge might have been—ought to have been supported.

C. E. R. MURRAY,
Chairman.

Port Macquarie, 27 May, 1888.

[Enclosure.]

Lismore, 10 May, 1888.

To His Honor Mr. Justice Murray,—

I TRUST I am not doing wrong in thus addressing you, but as the above case is now settled I believe there can be no harm in telling you the reason the Jury did not find Coady guilty. It was this: Eleven were unanimous in finding all three guilty; but one, Peter Dawson, was for acquitting them all. He said he would rather eat his boots than Coady should be found guilty. His reason, so he said, was that Mrs. Maxwell had sworn that Coady was not there at all, and that he was determined to wait and allow your Honor to dismiss the Jury as they could not agree. The eleven came to the conclusion that it would be better to let one escape than all three, so Dawson agreed to find the two guilty if we left Coady out. The eleven were of opinion that Coady was the worst of the three and bore the worst character.

Trusting your Honor will not be offended at what I have done,

I remain, &c.,

JOHN T. COCKERELL,
Proprietor of Albert Theatre, Lismore.

Re flogging of Tracey and Hennessy—Judge's report herewith:—Mr. Simmons, solicitor, Lismore, informs me that a deputation will wait on the Minister of Justice, either to-morrow or Monday, respecting this case, if convenient for the Minister.—A.C.F., 1/6/88.

Whipping to be postponed to 22nd June, and usual minute to be prepared to give effect thereto.—W.C., 4/6/88. The Comptroller-General of Prisons, B.C., 4/6/88. Instructions given accordingly and returned.—H.M.L., 5/6/88.

No. 4.

Telegram from The Under Secretary of Justice to The Police Magistrate, Lismore.

4 June, 1888.

Re case of Tracey and Hennessy, Minister desires careful inquiry made by you at once respecting antecedents of prosecutrix, Anna Maxwell, and for favour of special report as to character with least possible delay. Similar telegram sent officer in charge of police in case of your absence.

ARCH. C. FRASER,
Under Secretary of Justice.

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No. 5.

No. 5.

Telegram from The Police Magistrate, Lismore, to The Under Secretary of Justice.

Lismore, 5 June, 1888.

Re your telegram, Mrs. Maxwell, just returned from Lower Richmond, and acting in conjunction with Sergeant Wells, and hope to report by wire to-day with full report by Friday's post.

J. BRAY, P.M.

No. 6.

Telegram from The Police Magistrate, Lismore, to The Under Secretary of Justice.

Lismore, 5 June, 1888.

Re Mrs. Maxwell.—In conjunction with Senior-Sergeant Wells we have so far examined eleven witnesses. I interviewed Mr. Simpson, J.P., Mayor, Messrs. Bernstein, Larkin, Barrie, J.S.P., who were the leaders in the petition, for direct information, or to be directed to persons who could afford me reliable information, and the result so far is that not a single witness has said a word against the moral character of Mrs. Maxwell, beyond being at times addicted to intemperance, at which time she has been known to be absent from home one or two nights. It is not even hinted that her absence was the result of any immorality beyond intemperance. I am strongly of opinion that rumours have been circulated against her by persons only who think that any woman who takes a glass of liquor must be of easy virtue or worse. We have examined the maid who accompanied her from Scotland, her statements are quite in accordance with the rest.

The Mayor, Mr. Simpson, who interested himself in the petition, writes a most important letter. He brought husband and wife together last week, and his previous inquiries led him to believe in her virtue, but addicted to drink. We will pursue inquiries to-morrow, but as yet have not heard of any witness likely to come forward—the public know of the inquiries we are making.

JAMES BRAY, P.M.

Submitted for information of Minister; might be referred to Acting Inspector-General of Police, in connection with police inquiries now being made.—A.C.F., 6/6/88. Approved.—W.C., 7/6/88.

No. 7.

The Under Secretary of Justice to The Acting Inspector-General of Police.

Sir,

Department of Justice, Sydney, 5 June, 1888.

Referring to a petition in favour of the prisoners named in the margin for a mitigation of the corporal portion of the sentence passed upon them on the 9th ultimo, at the Lismore Quarter Sessions, by his Honor Judge Murray, for indecent assault upon one Anna Maxwell, I am directed to inform you that the flogging has been postponed by direction of the Minister of Justice, and that the Police Magistrate, Lismore, in view of a suggestion made by Judge Murray, has been requested by wire to cause careful inquiries to be made as to the antecedents of Mrs. Anna Maxwell the prosecutrix, and to report as soon as possible as to her character, &c., and that in the event of Mr. Bray being absent from head quarters, the officer in charge of the police was also informed to the same effect by this Department.

In view of these circumstances, I am to invite you to have the goodness to instruct your local officers to render every assistance to the Police Magistrate in obtaining the desired information for the Minister with the least possible delay.

I have, &c.,

ARCH C. FRASER,

Under Secretary.

No. 8.

Telegram from The Police Magistrate, Lismore, to The Under Secretary of Justice.

Lismore, 5 June, 1888.

Re your telegram, please have inquiry made from J. T. Brown, No. 6, Valley-street, Balmain. He was a next door neighbour of Mrs. Anna Maxwell for some time, and can give evidence of value. I will wire you result of my inquiries at 3:30.

JAMES BRAY, P.M.

Urgent.—Forwarded to the Inspector-General of Police in connection with my letter of this date, and for favour of inquiry, as suggested by Mr. Bray, of the person whose address is given in this telegram, as to what is known by him of the character of Mrs. Anna Maxwell.—A.C.F., B.C., 5/6/88.

No. 9.

The Acting Inspector-General of Police to The Under Secretary of Justice.

Sir,

Inspector-General of Police Office, Sydney, 7 June, 1888.

In returning the attached papers, noted in the margin, received from you on the 5th instant, in which you request that inquiry might be made of Mr. T. J. Brown, No. 6, Valley-street, Balmain, as to what he knows respecting the character of Mrs. Anna Maxwell, of Lismore, upon whom an indecent assault was committed by the two men Edward Tracey and John Hennessy, and in whose favour a petition has been presented for mitigation of the corporal portion of their sentence, I beg to forward herewith copy of a police report on the subject.

I have, &c.,

G. READ,

Acting Inspector-General of Police.

[Enclosure.]

Edward Tracey
and
John Hennessy.

Justice—
No. 88-6,786

[Enclosure.]

Balmain Police Station, 6 June, 1888.

SENIOR-SERGEANT BOYD respectfully reports, for the information of the Superintendent-in-Charge, that he has seen John Brown, ex-constable, Valley-street, Balmain, who states he knows nothing whatever of the woman Anna Maxwell for the past twelve months, he being in Balmain all that time; but for the twelve months previous to that he knew her at Lismore. She was then an habitual drunkard; but beyond that, he knows nothing whatever of her general character. Mr. Brown thinks that this inquiry must have been intended for his brother Alexander, who was subpoenaed from Lismore to the Supreme Court about three weeks ago in the case *Re Lloyd v. M'Cann*, and who was staying with him in Valley-street during the time, but who left again for Lismore on Saturday last per steamer "Electra." Alexander Brown formerly kept an hotel in North Lismore, and, it is thought, knows a good deal about this woman's character. He is now mail contractor, residing in Lismore.

A. BOYD,
Senior-Sergeant.

The Superintendent of Police, Metropolitan District.

No. 10.

Telegram from The Police Magistrate, Lismore, to The Under Secretary of Justice, Sydney.

Lismore, 8 June, 1888.

Re Mrs. Maxwell.—Report posted; fourteen witnesses examined, and all exonerate her of immorality.

JAMES BRAY, P.M.

Might wait receipt of Report.—A.C.F., 9/6/88.

No. 11.

The Police Magistrate, Lismore, to The Under Secretary of Justice.

Sir,

Lismore, 8 June, 1888.

In acknowledging receipt of your telegram directing inquiry respecting the antecedents of Mrs. Anna Maxwell, I have the honor to report, for your information, that Senior-Sergeant Wells and I took the evidence of fourteen witnesses, which I now place before you. I waited upon the Mayor (Mr. Simpson), Dr. Bernstein, J. Barrie, and G. Larkin, J.S.P., all of whom took a great interest in petitioning for the prisoners named in the margin, and got the names of all parties supposed to know any of the previous history of Mrs. Maxwell, and the whole of the evidence goes to exonerate Mrs. Maxwell of immoral conduct; and those who know her will state her only failing is occasional fits of intemperance. The evidence of Jackson and wife, of Exchange Hotel, is important, as I believe the petition was started on account of a rumour that Mrs. Maxwell was in the closet with one of the men, and was removed by Jackson. This, Jackson says, he is prepared to swear, is untrue. Mr. Simpson's letter is also deserving of special notice, he having brought Mr. and Mrs. Maxwell together again, and satisfied himself from inquiry before he undertook the duty, that rumours about her having a tendency to immorality were utterly without foundation. In conclusion, I would merely add that, having exhausted all available evidence, I feel certain that there is not the slightest foundation to suppose Mrs. Maxwell to be an immoral character; and further, that these reports have been circulated by persons who either have no faith in the virtue of women, or who believe if a woman takes a glass of liquor she must necessarily be a bad character.

Tracey and
Hennessy.

I have, &c.,

JAMES BRAY, P.M.

P.S.—I omitted to state that I also found, on inquiry, that Mrs. Maxwell is not in the habit of frequenting public-houses. Some of the evidence points to this.—J.B.

[Enclosures.]

William Martin: I remember the 21st March last; about 4 o'clock in the afternoon I was out on the flat, looking for horses; I saw Baird and Saul then; they beckoned to me to go to them; I went, and they told me there was one of our horses sick; I said I did not think so; I asked them how long they had been there, and they said two hours; they asked to come and see where the horse was sick, and pointed to a tree; I went and looked, but could not make out what it was; I said I would go and see, and I rode down to where it was, and I saw a woman, with a red dress on, lying down, and her clothes were up; Hennessy was on the top of her; she was not struggling or resisting him in any way, or I would have got off the horse and assisted her; neither spoke; he looked round towards me partially; her clothes were up, and she was bare and exposed, and I saw her bare legs; I turned and went away, and after this I returned to Baird and Saul; I said to them "You had me," and they said they had been there two hours; I afterwards left Baird and Saul; I saw the man and woman in a sitting posture, and they seemed to me to be friendly; no struggling, only sitting there; only one man was there when I was there, viz., Hennessy.

Mrs. Fanny Cordell: I am the wife of Robert Cordell; he is a sawyer at Mr. Cotter's mill; I recollect the Wednesday in March, when a woman, who was dressed in a sort of red or bright dress, was standing on the Gundurimba Road; a man was about 10 yards behind her; I was washing that day, and I saw nothing more; they were three streets from my door; I knew neither the man nor the woman.

Mrs. John Pascoe: I am the wife of John Pascoe, of Lismore, plumber; I remember that I was on the footpath, opposite my own door, in Keen-street, when I saw a woman with a red dress on. *She passed me in the street; there was a man with her; she was on his arm, and they went straight along the street; they appeared to be friendly; I did not know Mrs. Maxwell nor the man; I did not see the faces of either.*

George Larkins, Esq., J.P.: I reside at Lismore; I recollect Wednesday, the 21st March last; I rode across the flat, towards the recreation ground, Lismore; I saw two men and a woman sitting under a tree; I did not recognize either as they did not look round; the men were sitting on the roots of the tree and the woman was about 1½ yards away; I was within 30 or 40 yards away from them; *the woman could have seen me passing, and, if she had liked, she could have called out to me; I saw no assault or abuse of any kind; my brother was along with me; she had an opportunity of calling to us for assistance had she required it; it was between 4 and 5 o'clock in the afternoon when I saw the parties.*

Joseph

Joseph Greenhalgh: I reside on the Benhill Road, near Lismore; I know Mrs. Maxwell; she lived across the street opposite me; the Chinamen have two huts, one in my paddock and one in another paddock near; Mrs. Maxwell is greatly given to drink; on Monday night before she was locked up by the police for being drunk; there was a little house of mine in the paddock; on Sunday I noticed it vacant and found the door open; I watched on Monday night; I hid myself near the house and watched, and about 9 o'clock that night Mrs. Maxwell came to the house; she went to the door that had been open and found it fastened; she then went round to the front, and put her hand in through a broken pane and opened the window; she then went in, and I heard someone come along behind her, and I found it was Brown and Hassett, the policemen; they knocked at the door and asked was anyone in; she answered, "Yes;" they said, "Open the door," and she said, "Go round to the back," and one of them went round to the back, and she opened the door; they went in then, and then I came forward; Hassett said, "Is this house yours, and did you——;" she always broke out on the spree when Mr. Maxwell went away, and he goes away often on his business.

William Cowley: I am a farmer, and reside near Lismore, in Ballina-street, and junction of the Gundurimba Road; I recollect the 21st of March, about 3 o'clock or so; I remind seeing a man and a woman who had a red dress on; they were in Conway-street, coming towards the Gundurimba Road; I was about 7 chains away from them; they appeared to be walking arm and arm together; there were two other men walking a little behind the man and woman; I did not recognize either from the distance; I saw the woman fall several times as, I thought, from the effects of liquor; the man assisted her to rise, and then they went over to the recreation ground, and I paid no further attention; when nearly dark, I saw the woman and the three men, I think, go towards the town when the police came up.

M. Ruhane, states: I am a dairy-man here and know Mrs. Maxwell; I have served her with milk since she came on the River till some few months ago; I have never had any reason to suspect her of immorality; I have never seen anything to warrant the smallest suspicion; she was always most respectable and clean looking.

Taken before me, at Lismore, }
5th June, 1888. }
J. BRAY, P.M.

his
M. + RUHANE.
mark

James Baillie, states: I have known Mrs. Maxwell for three years; her husband was a partner of mine; I know she has been addicted to drink, also in the old country, Scotland, but of my own knowledge I have no reason to suspect her of immorality.

Taken before me, at Lismore, }
5th June, 1888. }
J. BRAY, P.M.

JAMES BAILEE.

David Jackson states: I keep the Exchange Hotel here; Mrs. Maxwell was here on the day she was assaulted; I do not think she was intoxicated; she may have had some drinks, but I could not tell it on her; she was never here before; she came about 12 o'clock noon and asked for a small ale as she was ill and just left the doctor, and required ale before she took her physic; she then had some ale and cheese; she was in and out several times to a Mrs. White's close at hand; she left here about 2 p.m.; I did not see her near any man or near Tracey and Hennessy.

Sarah D. Jackson states: I am the wife of David Jackson, and saw Mrs. Maxwell here the day she was assaulted; she drank one small bottle of ale and took one away; when she left I did not see her near the three men who were charged; I saw nothing whatever in her conduct while here to induce me to think she was a bad character; she was quite proper while here.

I did not see her near the closet or the men either—or the men near her.—D. J.
Taken before me, at Lismore, }
5th June, 1888. }
J. BRAY, P.M.

DAVID JACKSON.
SARAH JACKSON.

Police Station, Lismore, 5 June, 1888.

Constable Hassett reports re Mrs. Anna Maxwell that he has been stationed at Lismore for about six months and has known Anna Maxwell during most of that time. The constable has never heard anything against her moral character. The constable in company with Constable Brown arrested Mrs. Maxwell in Keen-street Lismore about 8 p.m., 20 March last, on a charge of drunkenness, being found lying drunk on the foot-path. The constable was informed by a respectable citizen that some night previous she had slept in an empty house adjoining his premises apparently under the influence of drink.

PATRICK B. HASSETT,
Constable, No. 3770.

Senior-Sergeant Wells, Lismore.

Wilson-street, Lismore, 5 June, 1888.

Rosetto O'Neill states: I am the wife of Timothy B. O'Neill, and have resided in Lismore about four years; I have known Anna Maxwell, wife of George Maxwell, about two years; she has been a next-door neighbour; I have known her to be drunk several times, and stay away from her family of a night; only when in drink; otherwise she is a clean and tidy housekeeper and good mother; of my own knowledge I know nothing against her moral character; her general reputation is that she is addicted to drink; Mrs. Maxwell is now residing my next-door neighbour with her husband, from whom she was separated whilst the case against Hennessy, Tracey, and Coady was pending.

her
ROSETTO + O'NEILL.
mark.

Witness to statement,—GEO. WELLS, Senior-Sergeant.
Witness to mark,—PATRICK QUINN.

Argyle Cottage, Lismore, 5 June, 1888.

Mary McMillan states: I am the wife of Alexander McMillan, and have lived in Lismore and this district for about seven years; I have known Mrs. Maxwell, wife of George Maxwell, as a neighbour for the past two years; her residence has during that time been about 150 yards from my place; Mrs. Maxwell has, since I knew her, borne the reputation of being addicted to drink; and whilst in that state has neglected her young children often; I have also heard that she has been absent from her home drinking; I have on one occasion (prior to her late trouble with Hennessy and others) seen her apparently suffering from the effects of drink; during the time I have known Mrs. Maxwell I never heard any person speak against her moral character before; I have known her to remain out during the night (whilst drinking) and sleep in empty houses.

MARY McMILLAN.

Witness,—GEO. WELLS, Senior-Sergeant.

Lismore, 5 June, 1888.

Ellen Birmingham states: I am wife of William Birmingham, and keep a boarding-house at Lismore; I know Mrs. Maxwell, wife of George Maxwell, since the 26th of March last; she boarded at my house for eight weeks, during which time she was daily under my notice, and I always found her to be strictly correct and thoroughly well-conducted and sober; I have, from those facts, no reason to doubt her moral character; I have not heard any person speak against her moral character, only with reference to her past trouble with Hennessy, Coady, and Tracey.

ELLEN BIRMINGHAM.

Witness,—GEO. WELLS, Senior-Sergeant.

Conway-street,

Conway-street, Lismore, 5 June, 1888.

Maud M'Tackett states : I am the wife of Thomas M'Tackett ; I have known Mrs. George Maxwell for about three years in Lismore, during which time I have several times seen her under the influence of liquor ; whilst in that condition she did not appear to be immodest or anything leading to immorality ; she stayed at my house on several occasions, sometimes eight days ; she was very fond of drink, but nothing further improper in her conduct that I am aware of.

MAUD M'TACKETT.

Witness,—GEO. WELLS, Senior-Sergeant.

Ballina Road, Lismore, 8 June, 1888.

Emily Harrison states : I am the wife of Thomas Harrison ; I am not acquainted with Mrs. Maxwell ; I never spoke to her ; on or about the 21st March last I was washing at my own house in Keen-street ; I saw, whilst speaking to Mrs. Pascoe, a woman who, I have since been informed, was Mrs. Maxwell, coming from the back of Jackson's Hotel ; she was walking arm and arm with a short man with black coat and white trousers ; they both appeared to be under the influence of liquor ; I thought they were husband and wife ; there was nothing in her conduct at the time to lead me to think they were going away for any immoral purpose ; I also saw two other men following Mrs. Maxwell and the man at a short distance ; I took no further notice of them ; I never heard anything against Mrs. Maxwell's moral character ; I know nothing more except that by rumour that she was in the habit of drinking.

EMILY HARRISON.

Witness,—GEO. WELLS, Senior-Sergeant.

Keen-street, Lismore, 7 June, 1888.

Mary Pascoe states : I am the wife of John Pascoe ; I know Mrs. George Maxwell by sight only ; I know nothing against her moral character ; I have heard from a number of the town's people that she drinks in her own home, but never knew her to drink at a public-house till she went to Jackson's Hotel on or about the 21st March last ; I saw her that date under the influence of liquor, about 2-30 p.m. ; she was coming from the back of Jackson's to Keen-street in direction of the Gundurimba Road ; she was walking arm and arm with a man at that time ; he appeared to be also under the influence of liquor ; they walked along like man and wife ; I saw nothing more of them after they passed ; this is all I ever knew detrimental to Mrs. Maxwell's character ; the man I saw walking with Mrs. Maxwell was Tracey who was convicted.

MARY PASCOE.

Witness,—GEO. WELLS, Senior-Sergeant.

Dear Sir,

Re inquiries made by Senior-Sergeant Wells in reference to Mrs. Maxwell, I beg to state that I know of nothing against her, with the exception of the one failing, viz., too fond of drink.

Lismore, 5 June, 1888.

Yours, &c.,

J. W. COLEMAN.

James Bray, Esq., P.M., Lismore.

Lismore, 5 June, 1888.

Annie Bashford states : I am in the employ of Mrs. Borton of Lismore ; I have known Mrs. George Maxwell for over four years ; I came from Glasgow with her three years ago ; before leaving Scotland with Mrs. Maxwell I was living with her about twelve months, during which time she was in the habit of taking drink sometimes to excess ; she always remained at home when drinking ; I left Scotland with her for New South Wales, and was in the saloon with her ; she was under the influence of liquor very often coming out in the ship ; after we landed in Sydney I accompanied her and family to Lismore ; Mr. Maxwell met us in Sydney and also came with us ; I left Mrs. Maxwell about a month after we arrived at Lismore ; during my knowledge and intimacy with Mrs. Maxwell I have never seen anything in her conduct in the slightest that was improper except in taking drink ; I have no reason to believe she was immoral ; whilst I was living with Mrs. Maxwell she has often asked me to go for drink, and after I left she has sent the children, but I do not think she went to a public-house to drink ; Mrs. Maxwell was always a clean, good housekeeper, and a kind mother when not under the influence of drink.

ANNIE BASHFORD.

Witness,—GEO. WELLS, Senior-Sergeant.

Dear Sir,—

With reference to the inquiries which you are making as to Mrs. Maxwell's antecedents, I may be permitted to say that recently, while acting in the capacity of a friend of Mr. Maxwell, and endeavouring to mediate between him and his wife, I made many inquiries as to her conduct, which I would not have under other circumstances felt justified in doing, nor would I have cared for it. The result has convinced me that Mrs. Maxwell's one fault was *intemperance* ; not one of the many charges or insinuations of *immoral conduct* has been substantiated, and the more one inquired the more intangible and baseless they appeared to become. In reference to the matter more especially under investigation—the recent attempt at outrage upon Mrs. Maxwell, I have not yet found anyone who could prove anything like collusion or acquiescence upon her part, and I myself think such a thing wholly improbable. I may also add that her husband has also expressed a similar conviction.

In assisting to get up the petition in favour of remitting the *flogging* portion of the sentence upon the prisoners Tracey and Hennessy, I was more influenced by the expressed opinions of several jurymen that they would have acquitted them had they supposed that flogging would have been part of the sentence, than by any belief in Mrs. Maxwell's complicity, as I feared the severity of the sentence might defeat the ends of Justice in future cases of a like nature, and while for the above reason I hope the flogging will not be inflicted, I do not think Mrs. Maxwell contributed in any way to the brutal offence committed excepting by her helpless state of intoxication at the time.

Lismore, 5 June, 1888.

I am, &c.,

ALEXR. J. SIMPSON, Mayor.

James Bray, Esq., P.M., Lismore.

No. 12.

Telegram from The Under Secretary of Justice to The Police Magistrate, Lismore.

Sydney, 14 June, 1888.

Re Tracey and Hennessy—Referring to your telegram 5th instant, suggesting inquiry from J. T. Brown, Balmain, he thinks inquiry should be made of his brother Alexander, mail contractor, who returned to Lismore on Saturday last. Please ascertain, through police, if Alexander Brown knows anything of character Mrs. Maxwell, and wire result.

ARCH. C. FRASER,

Under Secretary of Justice.

No. 13.

Minute by The Under Secretary of Justice.

Subject :—Case of Tracey and Hennessy, convicted before His Honor Judge Murray, at Lismore Quarter Sessions, on 9th ultimo, of an indecent assault on Anna Maxwell, and sentenced to imprisonment, with hard labour, in Grafton Gaol for three years, and to receive twenty-five lashes on 6th instant.

ON 25th ultimo a petition was presented to the Minister of Justice, signed by the Bishop of Grafton, the Mayor of Lismore, several jurymen who sat in the case, and others, residents of Lismore, praying that the whipping portion of the sentence in the above case should be remitted. Verbal representations were also made to the Minister to the same effect from one of the members of the district and others.

In view of the doubt raised as to the previous character of the prosecutrix, and the fact brought under notice that she was more or less intoxicated at the time the assault took place, and that her evidence therefore might not be entitled to weight, the Minister for Justice felt it to be his duty to direct the postponement of the whipping until 22nd instant, to enable full inquiry to be made into the antecedents of the woman, &c.

The question is now raised as to whether the postponement of the sentence of whipping beyond the time fixed by the judge has not rendered it illegal to carry out that portion of the sentence. Upon this question it would be desirable that the opinion of the Attorney-General should be asked without delay, as, if he thinks that the sentence of whipping cannot be now legally carried out, it will be unnecessary to consider on the merits of the case any recommendation should be made to his Excellency the Governor for remission.

I might here suggest that, in the event of the Attorney-General being of opinion that the sentence of whipping cannot now be carried out, he might also be asked whether it would not be advisable to include some provision, if practicable, in the proposed Bill to Amend the Criminal Law Amendment Act, now before Parliament, rendering it legal to postpone the punishment of whipping pending inquiries.

A.C.F., 18/6/88.

Urgent. Attorney-General submitted.—W.C., 18/6/88. The Crown Solicitor.—A.C.F., B.C., 19/6/88.

No. 14.

The Crown Solicitor to The Under Secretary of Justice.

Subject:—Case of Tracey and Hennessy, convicted of indecent assault at Lismore.

Sir,

Crown Solicitor's Office, Sydney, 19th June, 1888.

I have the honor to return herewith the papers relating to the above matter, which were forwarded to me from your Department on the 19th day of June, 1888, and to state that I have submitted them to Mr. Attorney-General Simpson, a copy of whose advising thereon is attached.

I have, &c,

JOHN WILLIAMS,

Crown Solicitor.

Submitted.—A.C.F., 20/6/88.
Attorney-General's opinion, 20/6/88.

The Comptroller-General might be informed in terms of
Approved.—W.C., 20/6/88.

[Enclosure.]

OPINION.

I AM of opinion that the punishment of whipping cannot legally be inflicted *now*. Sec. 401 of the "Criminal Law Amendment Act" enacts that the *time* of whipping shall be specified in the sentence, and this was done—viz., 6th June; on that day only could the whipping legally take place.

Sec. 9 of Letters Patent dated 29th April, 1879, provides that the Governor may respite the execution of a sentence, but I do not think that power has any application to a case like the present. Moreover the *Governor* did not respite the execution.

The Bill now before Parliament relates to appeals from summary convictions, and the insertion of the provision suggested would exceed the leave to introduce the Bill.—G.B.S., 19/6/88.

No. 15.

Minute by The Minister of Justice.

As in terms of the Attorney-General's opinion the sentence of flogging cannot now be legally carried out, it is unnecessary for me to express any opinion upon the sufficiency of the reasons urged in the petition and in the other representations made to me in favour of the remission of such punishment.

The petition was received at this office on 25th May, and forwarded in usual course, on same day, to Judge Murray, for report. The Judge's report was received by me on 1st instant, five days prior to the day fixed for the flogging.

I felt it to be my duty to satisfy myself as to the antecedents of the prosecutrix and other important matters brought under my notice in the petition, &c., and also to obtain and peruse the Judge's notes taken at the trial; and from the limited time afforded me for these purposes I had no other alternative than to direct the postponement of the punishment of flogging.

To prevent any recurrence of a sentence of flogging lapsing through a similar necessity arising of inquiring into the case of a prisoner, the provision suggested to the Attorney-General in minute of 18th instant, 88-7,336, should be inserted in the Bill for the amendment of the Criminal Law Amendment Act now being prepared by me; and pending such amendment of the law, the Judges should be asked, when fixing the date for carrying out the punishment of flogging, to give ample time for inquiry, in the event of a petition for remission or mitigation being presented.

W.C., 20/6/88.

No. 16.

The Under Secretary of Justice to The Comptroller-General of Prisons.

Sir,

Department of Justice, 20 June, 1888.

With reference to previous correspondence respecting the case of Tracey and Hennessy, who were convicted before his Honor Judge Murray, at Lismore Quarter Sessions, on the 9th ultimo, of an indecent assault on one Anna Maxwell, and sentenced to imprisonment with hard labour in Grafton Gaol for three years, and to receive twenty-five lashes on the 6th instant, postponed, by instructions of the Minister of Justice, to the 22nd instant, I am now directed to transmit to you the enclosed copy of an opinion of Mr. Attorney-General Simpson upon the subject, from which it will be seen that the punishment of whipping cannot now be legally inflicted.

You will therefore be good enough to give the necessary instructions at once to the gaol authorities accordingly.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CASE OF THE QUEEN *v.* BOWLER.
(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be printed, 3 May, 1888.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 24 April, 1888, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

“Copies of all letters and telegrams received by the Department of the Attorney-General having reference to the change of venue from Forbes to Bathurst in the case of the Queen *v.* Bowler; also, all replies by letter or telegram having reference to the same.”

(*Mr. Stokes.*)

R. Jones, Esq., to The Clerk of the Peace.

Sir,

Sydney, 18 February, 1888.

In re Regina *v.* Bowler, you will doubtless by this time have been officially notified by the Forbes Bench of Magistrates of the committal of S. G. Bowler to take his trial at the Quarter Sessions to be holden in Forbes on the 6th March next, on the serious charges of obtaining money under false pretences and selling sheep, the wool of which was under lien to ourselves, without first obtaining our consent.

This Company, being the prosecutor in the case, we respectfully beg that the Attorney-General be asked to change the venue of the trial to the Bathurst Circuit Court, our reasons for making such application being as follows, viz. :—

That we feel positive a fair trial would not be got in Forbes, Bowler being an old resident of that district and much sympathy being expressed for him. He having so many friends there, we have no doubt influence would be brought to bear, and possibly one or more of these might be on the jury in his favour. After the committal it was common talk in the town that he would not be convicted if tried at Forbes. Affidavits in confirmation of the foregoing statements can, we believe, be procured from the Sergeant of Police at Forbes and others there who have informed us of the strong feeling in his favour, and believing that the ends of justice would be defeated if the trial took place in Forbes, we hope that the Attorney-General will accede to our request.

There are but few witnesses in the case, the prosecution not having more than four or five; the writer being the principal one, and as there were not more than three or four called for the defence, only a small extra expense would be incurred by the change.

We may mention that our Company has been put to much trouble and expended a considerable amount in bringing the case to its present stage.

I have, &c.,

R. JONES, JUN.,

Managing Director.

Urgent. Obtain at once report from Inspector-General of Police as to whether he thinks in the interests of justice the venue should be changed.—G.B.S., 22/2/88.

Memo. from Mr. Superintendent Sanderson to The Inspector-General of Police.

Forbes, 25 February, 1888.

I BEG to report, for the information of the Inspector-General of Police, that I am of opinion a change of venue is desirable, inasmuch as the defendant appears to be very popular in the district, and it appears to be the “almost” universal wish defendant should get acquitted.

C. SANDERSON, Supt.
Submitted

Submitted for the information of the Attorney-General; papers just received.—EDMUND FOSBERY, Inspector-General of Police, 27/2/88. Submitted.—W.W.S., 27/2/88.

Police Station, Forbes, 25 February, 1888.

Regina v. Bowler—Fraud.

I BEG to report that there is much sympathy with the accused here, and I am of an opinion that it would be to the interest of justice to have the accused tried at Bathurst.

J. STEPHENSON, Sub-Inspector.

The Superintendent of Police, Bathurst.

Telegram from The Acting Secretary to The Attorney-General to The Police Magistrate, Forbes.

25 February, 1888.

REGINA v. S. G. Bowler, false pretences and defrauding mortgagee of right of sheep.—Attorney-General desires to know if, in your opinion, the interests of justice will be interfered with if the venue of the above cases is changed from Forbes Quarter Sessions to Bathurst Circuit Court. Reply. Most urgent.

HERBERT MORRIS,

(For the Secretary to the Attorney-General.)

Copy of Minute in reference to the above Telegram by Attorney-General.

THE telegram which appears to have been sent was not in accordance with my instructions. They were to ascertain whether the interests of justice required that the venue should be changed.—G.B.S., 25/2/88.

Telegram from E. A. T. Pery, Esq., J.P., to The Secretary to The Attorney-General.

25 February, 1888.

POLICE Magistrate on leave before trial of S. G. Bowler, and still on leave; expected back in ten days' time; his probable address is care Mrs. Davidson, George-street, Parramatta.

EDMOND A. T. PERY, J.P., C.P.S.

Telegram to C.P.S. to obtain at once the opinion of the committing Magistrate or Magistrates upon the question asked, and to express also his own opinion. I must have a reply by telegram to-day.—G.B.S., 27/2/88, 9.45 a.m.

Telegram from The Secretary to The Attorney-General to The C.P.S., Forbes.

27 February, 1888.

REGINA v. Bowler.—Attorney-General desires that you will obtain at once the opinion of the committing Magistrate or Magistrates upon the question asked in reference to the above case, and express also your own opinion in matter. Attorney-General must have a reply to-day; most urgent.

W. W. STEPHEN.

Telegram from W. R. Brooke and A. T. Pery, Esq's., J's.P., to The Secretary to The Attorney-General.

27 February, 1888.

IN reply to your telegram of the 25th instant, we cannot possibly say whether the interests of justice will be interfered with if venue of case *Regina v. Bowler* is changed to Bathurst Circuit Court, but in our opinion the interests of justice will be fully maintained if case is dealt with at Forbes Quarter Sessions, to which Court we committed defendant.

WM. BROOKE, J.P.,

Chairman.

EDMOND A. T. PERY,

J.P., and Deputy Clerk of the Peace.

Apart altogether from the question as to whether the ends of justice will be attained or defeated by reason of a trial at Forbes, and the popularity of the prisoner there, or alleged feeling of sympathy with him, I consider that the cases from their nature and importance, and in consequence of points of law which may arise, should be tried at the Supreme Court, and I order them to be removed to the next Circuit Court at Bathurst, necessary steps to be taken, Crown witnesses to be subpoenaed, &c., and the depositions and papers to be returned to me. Recognizances should have been for appearance at Forbes Quarter Sessions or such other time or place, &c., &c. Bail should be given for the appearance of the prisoner at Bathurst Circuit Court.—G.B.S., 27/2/88.

Telegram from E. A. T. Pery, Esq., J.P., to The Secretary to The Attorney-General.

28 February, 1888.

REGINA v. Bowler.—Mr. James Quaddell, the other committing Magistrate in above case, just returned to Forbes, and desires to state that he fully endorses our telegram of yesterday.

EDMOND A. T. PERY, J.P.

This telegram just received.—W.W.S., 28/2/88. 2.5 p.m.

P.S.—Action is now being taken to carry out the decision already given by the Attorney-General for changing the venue to Bathurst Circuit Court.—W.W.S., 28/2/88. Seen. Place with other papers.—G.B.S., 29/2/88.

The Secretary to The Attorney-General to The Bench of Magistrates, Forbes.

Gentlemen,

Attorney-General's Department, Sydney, 28 February, 1888.

With reference to your telegram, bearing date of yesterday, respecting the cases noted in the margin, I am directed to inform you, that the Attorney-General, after due consideration and full inquiry in the matter, has decided that the accused shall be placed on trial at the next Bathurst Circuit Court, instead of at the Forbes Quarter Sessions, to which Court he was committed.

Regina
v.
S. G. Bowler.

I have, &c.,

W. W. STEPHEN.

The Secretary to The Attorney-General to R. Jones, Esq.

Sir,

Attorney-General's Department, 28 February, 1888.

With reference to your letter of the 18th instant, respecting the cases noted in the margin, I am directed to inform you, that after consideration of the facts of the cases, as also of a police report obtained bearing upon the same, the Attorney-General has ordered that the accused shall be tried at the next Bathurst Circuit Court, in place of the Forbes Quarter Sessions.

Regina
v.
S. G. Bowler.

I have, &c.,

W. W. STEPHEN.

A. Stokes, Esq., M.P., to The Attorney-General.

The "Queen v. Bowler."

Sir,

Sydney, 13 March, 1888.

I am requested to bring under your notice that the accused in the above case is without means, and in the Insolvent Court, and to ask that the witnesses whose names are hereto subjoined shall be brought down to Bathurst at the trial set down for the 18th proximo.

I have, &c.,

A. STOKES.

Names of Witnesses:—Francis Edols, grazier, Bunawong; Edward Taylor, grazier, Bundabulla; Basil Wagden, carrier, Brawlen; Thomas Speck, grazier, near Forbes; James Purvis, stockman, Forbes; H. S. Harwood, stock and station agent, Forbes.—A.S.

Submitted as to whether the necessary steps shall be taken for the attendance of the witnesses named.—W.W.S., 14 March, 1888. Urgent.—I assume that all the witnesses for the defence who were called at Forbes, and bound over to appear at the Forbes Quarter Sessions, have been subpoenaed to attend at the Bathurst Circuit Court. Is this so?—G.B.S., 17/3/88. The Crown Solicitor. The Crown Solicitor.—W.W.S., 17/3/88. Yes.—JOHN WILLIAMS, Crown Solicitor, 20 March, 1888. The Secretary Attorney-General, B.C.

Inform Mr. Stokes that all the witnesses who were called for the defence at Forbes have been subpoenaed to attend at the Bathurst Circuit Court. State that defendant can obtain subpoenas for any of the witnesses named in this letter; explain where and from whom subpoenas can be so obtained, and that I will order the payment of expenses to any of them who may give material evidence in the case.—G.B.S., 20/3/88.

The Secretary to The Attorney-General to A. Stokes, Esq., M.P.

Sir,

Attorney-General's Department, Sydney, 20 March, 1888.

With reference to your letter of the 13th instant, asking that certain witnesses mentioned therein may be subpoenaed to give evidence at the trial of the accused in the case noted in the margin, I am directed by the Attorney-General to inform you that the defendant can obtain subpoenas upon application to the Crown Solicitor for any of the witnesses named in your letter, and to say that he will order the payment of expenses to any of them who may give material evidence in the case.

Regina v.
S. G. Bowler,
Bathurst Circuit
Court, 18 April.

I have, &c.,

W. W. STEPHEN.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(JUVENILE CONVICTIONS AND COMMITTALS FROM 1ST JULY, 1886, TO 30TH JUNE, 1887.)

Ordered by the Legislative Assembly to be printed, 18 November, 1887.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 26th October, 1887, That there be laid upon the Table of this House,—

“ A Return in continuation of the Return relative to Juvenile Offenders laid upon the Table of this House in August, 1886, up to 30th June last.”

(Mr. Thompson.)

RETURN of the number of Male and Female persons under sixteen years of age charged with offences against the Criminal Law before the Police Courts of Sydney, Newtown, Balmain, Redfern, and St. Leonards, and convicted or committed for trial from 1st July, 1886, to 30th June, 1887.

Courts.	From 1st July, 1886, to 30th June, 1887.		Remarks.
	Males.	Females.	
Central Police Court	74	6	In several cases, not included in this Return, the charge of larceny was withdrawn, and the offenders proceeded against under the Industrial Schools Act.
Water " "	47	3	
Newtown " "	20	.....
Balmain " "	5	.....
Redfern " "	13	1	
St. Leonards Police Court	8	.....
Total	167	10	

Questions and Answers :—

(1.) What number of boys under the age of sixteen have been brought before the Police Courts in Sydney from 1st July, 1886, to 30th June, 1887? 547.

(2.) What has been the character of the offences with which these boys have been charged? 189 charged under Industrial Schools Act; 124 breaches of Police Acts and other minor offences; 11 indecent and common assaults, wounding, &c.; 6 false pretences and forgery; 190 breaking and entering, larceny, and stealing in a dwelling; 9 drunkenness; 18 breach of Vagrancy Act.

(3.) How have these boys been dealt with? 120 sent on board the “Vernon”; 178 discharged; 144 imprisoned with option of fine; 100 imprisoned without option of fine; 5 sent to Benevolent Asylum.

1887-8.

NEW SOUTH WALES.

RULE OF THE SUPREME COURT.

(IN INSOLVENCY JURISDICTION.)

 Presented to Parliament, pursuant to Act 38 Vic. No. 1, sec. 3.

In the Supreme Court of New South Wales.—In Insolvency.

REGULÆ GENERALES.

Thursday, the 29th December, 1887.

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 Vic. No. 17, and the several Acts or parts of Acts amending or adding to the same, the following Rules of Court are hereby established in the Insolvency Jurisdiction:—

1. On and after the sixteenth day of January next the Court and Offices of the Insolvency Jurisdiction, and for the Bankruptcy Act of 1887, situate at Chancery Square, King-street, Sydney, shall be the place for holding the Court and Offices of the Insolvency and Bankruptcy Jurisdiction, in lieu of the Court and Offices formerly used for the Insolvency Jurisdiction at Denman Chambers, Phillip-street, Sydney.

2. The audience of all matters pending by adjournment, or to be continued in Insolvency, or to be commenced in Bankruptcy, shall be resumed at such Court and Offices in Chancery Square aforesaid, and all notices required to be exhibited for any purpose shall be exhibited at Chancery Square aforesaid; and all the records, papers, and proceedings shall be duly removed from the present offices at Denman Chambers to the offices for their safe custody at Chancery Square.

P. FAUCETT, J.

M. H. STEPHEN, J.

WM. OWEN, J.

GEORGE HIBBERT DEFFELL,

Chief Commissioner of Insolvent Estates.

1887-8.

NEW SOUTH WALES.

RULES OF THE SUPREME COURT.

(UNDER THE BANKRUPTCY ACT 1887.)

Presented to Parliament pursuant to Act 51 Vic. No. 19, sec. 119.

GENERAL RULES

Made pursuant to Section 119 of

THE BANKRUPTCY ACT 1887.

It is ordered as follows:—

PRELIMINARY.

Short title and commencement.

1. These rules may be cited as the Bankruptcy Rules, 1887, and shall come into operation on the 1st day of February, 1888.

Repeal.

2. The Rules in Insolvency of 1862, and all other subsequent Rules heretofore made under any former enactments relating to Insolvency, are hereby annulled: Provided that such annulment shall not affect anything done or suffered before the commencement of these Rules under any Rule annulled by these Rules; and no rule or practice repealed by the said Rules or any of them shall be revived by reason of the annulment effected by these Rules.

Interpretation of terms.

3. In these Rules, unless the context or subject matter otherwise requires,—

(a.) The "Act," means the Bankruptcy Act of 1887.

The "Judge" includes the Registrar when exercising the powers of the Judge pursuant to the Act or these Rules.

"Creditor" includes a corporation, and a firm of creditors in partnership.

"Debtor" includes a firm of debtors in partnership, and includes any debtor proceeded against under the Act.

"Name" of a person means both the christian and surname, or the initial letter or contraction of the christian name, and the surname of such person.

"Official assignee" includes trustee when not inconsistent with the context.

"Registrar" includes District Registrar.

"Scheme" means an arrangement pursuant to the Act.

"Sealed" means sealed with the seal of the Court as prescribed.

"Writing" includes print, and "written" includes printed.

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(b.) The provisions of section 3 (1) of the Act shall apply to these Rules, and any other terms or expressions defined by the Act shall in these Rules have the meanings thereby assigned to them.

FORMS.

Use of forms in Appendix.

4. The forms in the Appendix, where applicable, and where they are not applicable, forms of the like character, with such variations as circumstances may require, shall be used. Where such forms are applicable any costs occasioned by the use of any other or more prolix forms shall be borne by or disallowed to the party using the same, unless the Court shall otherwise direct.

Part I.—Court Procedure.

COURT AND CHAMBERS.

Matters to be heard in Court.

5. (1.) The following matters and applications shall be heard and determined in open Court, namely:—

(a.) The hearing of creditors' petitions for sequestration.

(b.) The public examination of debtors.

(c.) Applications to approve a composition or scheme of arrangement.

(d.) Applications for certificates of discharge.

(e.) Applications to set aside or avoid any settlement, conveyance, transfer, security, or payment, or to declare for or against the title of the official assignee or trustee to any property adversely claimed.

(f.) Applications for the committal of any person to prison for contempt.

(g.) Appeals against the rejection of a proof, or applications to expunge or reduce a proof, where the amount in dispute exceeds £100.

(h.) Applications for the trial of issues of fact with a jury, and the trial of such issues.

(i.) All single meetings under section 17 of the Act.

Any other matter or application may be heard and determined in chambers.

(2.) Upon the application of any party to a proceeding heard in Court, the Judge or Registrar presiding shall direct an order to be made that all witnesses leave the Court until called on to give evidence.

Adjournment from Registrar to Judge.

6. Any matter or application pending before the Registrar, which, under the Act or the Rules for the time being in force, the Registrar has jurisdiction to determine, may, if the Registrar thinks fit, be adjourned to be heard before the Judge.

Adjournment from Chambers to Court and *vice versa*.

7. Subject to the provisions of the Act and these Rules, any matter or application may, at any time, if the Judge (or, as the case may be, the Registrar) thinks fit, be adjourned from Chambers to Court or from Court to Chambers; and if all the contending parties require any matter or application to be adjourned from Chambers into Court it shall be so adjourned.

PROCEEDINGS.

Proceedings, how intitled.

8. (1.) Every proceeding in Court under the Act shall be dated, and shall be intitled, "In the Supreme Court of New South Wales, In Bankruptcy," with the name of the matter to which it relates, and all proceedings pending in insolvency, and to be continued, shall have the additional words "and In Bankruptcy" added to the words "In Insolvency." The seal of the Court shall have the words "Supreme Court of New South Wales, In Bankruptcy," on the border thereof, surrounding the crown in the centre.
- (2.) All applications and orders shall be intitled *ex parte* the applicant.
- (3.) The first proceeding in every matter shall have a distinctive number assigned to it by the Registrar, and all subsequent proceedings in the same matter shall bear the same number.
- (4.) The Form No. 1 in the Appendix shall be used, with such variations or additions as circumstances may require. Numbers and dates may be denoted by figures.

Meetings summoned by Judge.

9. Where the Judge orders a general meeting of creditors to be summoned under Rule 5 of Schedule I to the Act, it shall be summoned as the Judge directs; and in default of any direction by the Judge, the Registrar shall transmit a sealed copy of the order to the Official Assignee or trustee, and the Official Assignee or trustee shall, not less than seven days before such meeting, send a copy of the order to each creditor at the address given in his proof, or when he shall not have proved, the address given in the list of creditors by the bankrupt, or such other address as may be known to the Official Assignee or trustee.

MOTIONS AND PRACTICE.

Applications to be by motion.

10. Every application to the Judge (unless otherwise provided by these Rules, or the Judge shall in any particular case otherwise direct) shall be made by motion.

Length of notice.

11. Unless the Judge gives leave to the contrary, notice of motion shall be served on any party to be affected thereby not less than two clear days before the day named in the notice for hearing the motion: Provided that any notice of motion under section 130 (4) shall be given not less than eight clear days. An application for leave to serve short notice of motion shall be made *ex parte*.

Affidavits made against motion.

12. Where a respondent intends to use affidavits in opposition to a motion, he shall deliver copies of such affidavits to the applicant not less than two days before the day appointed for the hearing.

Personal service.

13. In cases in which personal service of any notice of motion or of any order of the Court or Judge is required, the same shall be effected, in the case of a notice of motion, by delivering to each party to be served, a copy of the notice of motion, and in the case of an order, by delivering to each party to be served a sealed copy of the order.

Filing affidavits on motion.

14. Every affidavit to be used in supporting or opposing any opposed motion shall be filed with the Registrar not later than the day before the day appointed for the hearing.

SECURITY IN COURT.

Security by bond.

15. Where a person is required to give security, such security shall be in the form of a bond, with one or more surety or sureties, to be approved of by the Registrar; such bond shall be taken in a penal sum, which shall be not less than the sum for which security is to be given, and probable costs, unless the opposite party consents to its being taken for a less sum.

Deposit in lieu of bond.

16. Any person required to give security may, in lieu thereof, lodge in Court a sum equal to the sum in question in respect of which the security is to be given, and the probable costs of the trial in question, together with a memorandum to be approved by the Registrar, and to be signed by such person, or his solicitor, setting forth the conditions on which the money is deposited.

Cases in which Registrar is to fix amount.

17. In cases in which the amount in question for which security is to be given, or a deposit to be made, cannot be calculated, the amount of such security or deposit shall be fixed by the Registrar.

Attestation of bonds.

18. Bonds entered into by way of security shall be attested before a Justice of the Peace or a Commissioner of Affidavits.

APPROPRIATION OF PAY, SALARY, PENSIONS, &C.

Notice to bankrupt of application.

19. When an Official Assignee or trustee intends to apply to the Judge or Registrar for an appropriation order under section 61 of the Act, he shall give to the bankrupt notice of his intention so to do. Such notice shall specify the time and place fixed for hearing the application, and shall state that the bankrupt is at liberty to show cause against such order being made. The notice shall be in the Form No. 32 in the Appendix, with such variations as circumstances may require.

Notice to chief of department.

20. When the application is made under sub-section (1) of section 61 of the Act, a copy of the proposed order shall be sent by the Registrar to the chief officer of the department under which the pay or salary is enjoyed, and the application shall stand adjourned until the written consent of such chief officer is obtained as required by the Act.

Copy of order to department.

21. Where an order is made under sub-section (2) of section 61 of the Act, the Registrar shall give to the Official Assignee or trustee a sealed copy of the order, who shall communicate the same to the chief of the department or other person under whom the pay, half-pay, salary, income, emolument, pension, or compensation is enjoyed.

Review of order.

22. Where an order has been made for the payment by a bankrupt, or by his employer for the time being, of a portion of his income or salary, the bankrupt may, upon his ceasing to receive a salary or income of the amount he received when the order was made, apply to the Judge to rescind the order, or to reduce the amount ordered to be paid by him to the Official Assignee or trustee.

SERVICES AND EXECUTION OF PROCESS.

Address of solicitor for service.

23. Every solicitor suing out or serving any petition, notice, or summons, order, or other document, shall endorse thereon his name or firm or place of business, which shall be called his address for service. All notices, orders, documents, and other written communications which do not require personal service shall be deemed to be sufficiently served on such solicitor if left for him at his address for service.

Service by post.

24. Where notice of an order or other proceeding in Court may be served by post it shall, except in the case of a notice to creditors, be sent by registered letter.

TRIAL BY JURY.

Settlement of issues for trial.

25. Where, upon any application to the Judge for a decision on any question, the Judge, with or without the application of any person, shall have directed that a question of fact be tried with a jury, such question of fact shall be reduced into writing and submitted to the Judge for his approval, and shall, when approved, be called the record for trial; but the Judge shall have power to allow any amendment thereof at any time upon such terms as he may think fit.

Special or common jury.

26. An order of the Judge for the trial of a question of fact before a jury shall specify the place of trial, and whether it shall be before a special or a common jury, but the order may be amended by the substitution of one jury for the other, upon such terms as the Judge may think fit.

Trial of issues of fact before Judge of Supreme Court or District Court.

27. Where such issues are ordered to be tried before a Judge of the Supreme Court other than the Judge in Bankruptcy, they shall be tried as if they were issues of fact sent down for trial by the Chief Judge in Equity, and the verdict or finding of the jury shall be endorsed by the proper officer on the record for trial, and returned by him to the Registrar. And where such issues are tried before a Judge of the District Court, the same rules shall be observed as now obtain with respect to Supreme Court issues sent down for trial to the District Court.

COSTS.

Awarding costs.

28. (1.) The Judge in awarding costs may direct that the costs of any matter or application shall be taxed and paid as between party and party, or as between solicitor and client, or the Judge may fix a sum to be paid in lieu of taxed costs.
- (2.) In the absence of any express direction, costs of an opposed motion shall follow the event, and shall be taxed as between party and party.

Orders to be sealed, signed, and filed.

29. Every order for payment of money and costs, or either of them, shall be sealed, and be signed by the Registrar, and shall be forthwith filed with the proceedings.

Solicitor's costs in case of petition by debtor.

30. The solicitor in the matter of a bankruptcy petition presented by the debtor against himself shall, in his bill of costs, give credit for such sum or security (if any) as he may have received from the debtor, as a deposit on account of the costs and expenses to be incurred in and about the filing and prosecution of such petition; and the amount of any such deposit shall be noted by the taxing officer upon the allocatur, and if the amount received from the debtor as aforesaid exceed the amount of the taxed costs, the solicitor shall pay the balance to the Official Assignee or trustee.

Costs paid otherwise than out of estate.

31. When a bill of costs is taxed under any special order of the Judge, and it appears by such order that the costs are to be paid otherwise than out of the estate of the bankrupt, the taxing officer shall specially note upon the allocatur by whom, or the manner in which, such costs are to be paid.

Sheriff's costs.

32. In any case in which, pursuant to section 54 (1) of the Act, the sheriff is required to deliver property to an Official Assignee or trustee, he shall, without delay, bring in his bill of costs for taxation, which shall be taxed by the Registrar; and unless such bill of costs is brought in for taxation within one month from the date when the sheriff makes such delivery, the Official Assignee or trustee may decline to pay the same.

Taxation of costs.

33. The Official Assignee or trustee, if required by the Registrar or other taxing officer, shall either personally or by his attorney attend before the Registrar or other taxing officer on the taxation of all costs relating to the estates committed to his charge.

Taxation of Sheriff's costs after deduction.

34. If the Official Assignee or trustee shall, in writing, require any costs which a sheriff has deducted under section 54 (2) of the Act to be taxed, the sheriff shall, within seven days from the date of the request, bring in such costs for taxation, which shall be taxed by the Registrar; and any amount disallowed on such taxation shall forthwith be paid over by the sheriff to the Official Assignee or trustee as the case may require.

Notice of appointment.

35. Every person whose bill or charges is or are to be taxed shall in all cases give not less than three clear days notice of the appointment to tax the same to the Official Assignee and to the trustee (if any).

Copy of bill.

36. Every person whose bill or charges is or are to be taxed shall, on application either of the Official Assignee or the trustee, furnish a copy of his bill or charges so to be taxed, on payment at the rate of 4d. per folio, which payment may be charged to the estate. The Official Assignee or trustee shall call the attention of the Registrar to any items which, in his opinion, ought to be disallowed or reduced.

Applications for costs.

37. Where any party to, or person affected by any proceeding desires to make an application for an order that he be allowed his costs, or any part of them, incident to such proceeding, and such application is not made at the time of the proceeding—

- (1.) Such party or person shall serve notice of his intended application on the Official Assignee, and if a trustee has been appointed on the trustee.
- (2.) The Official Assignee and trustee may appear on such application and object thereto.
- (3.) No costs of or incident to such application shall be allowed to the applicant, unless the Judge is satisfied that the application could not have been made at the time of the proceeding.

Priority of costs and charges payable out of estate.

38. The assets in every matter remaining, after payment of the actual expenses incurred in realising any of the assets of a bankrupt, shall, subject to any order of the Judge, be liable to the following payments, which shall be made in the following order of priority, namely:—

- (1.) The actual expenses incurred by the Official Assignee in protecting the property or assets of the bankrupt, or any part thereof, and any expenses or outlay incurred by him or by his authority in carrying on the business of the bankrupt.
- (2.) The fees payable under the 3rd schedule, and percentage under section 137.
- (3.) The remuneration of the Official Assignees or trustees.
- (4.) The taxed costs of the petitioner.

Costs of unnecessary petition.

39. In any case in which, after a bankruptcy petition has been presented by a creditor against a debtor, and before the hearing of such petition, the debtor files a petition, and a sequestration order is made on the petition of the debtor, unless in the opinion of the Judge the estate has benefited thereby, or there are special circumstances which make it just that such costs should be allowed, no costs shall be allowed to the debtor or his solicitor out of the estate.

Apportionment of costs in case of partnership.

40. In the case of a bankruptcy petition against a partnership the costs payable out of the estates incurred up to and inclusive of the sequestration order shall be apportioned between the joint and separate estates in such proportions as the Official Assignee or trustee may in his discretion determine.

- (1.) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred prior to the appointment of the trustee, the Official Assignee may pay or direct the trustee to pay such costs or charges out of the separate estates of such co-debtors, or one or more of them, in such proportions as in his discretion the Official Assignee may think fit. The Official Assignee may also, as in his discretion he may think fit, pay or direct the trustee to pay any costs or charges properly incurred, prior to the appointment of the trustee, for any separate estate out of the joint estate or out of any other separate estate, and any part of the costs or charges of the joint estate incurred prior to the appointment of the trustee which affects any separate estate out of that separate estate.
- (2.) Where the joint estate of any co-debtors is insufficient to defray any costs or charges properly incurred after the appointment of the trustee, the trustee, with such consent as is hereinafter mentioned, may pay such costs or charges out of the separate estates of such co-debtors, or one or more of them. The trustee, with the said consent, may also pay any costs or charges properly incurred for any separate estate, after his appointment, out of the joint estate, and any part of the costs or charges of the joint estate incurred after his appointment which affects any separate estate out of that separate estate. No payment under this Rule shall be made out of a separate estate or joint estate by a trustee without the consent of the committee of inspection of the estate out of which the payment is intended to be made, or, if such committee withhold or refuse their consent, without an order of the Judge.

APPEALS.

Mode of Appeal.

41. When any person, affected by any order or decision of the Judge, desires to appeal therefrom, he shall, within fourteen 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.

Further Provisions as to Time.

42. 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 a bankrupt'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 fourteen days limited, on such terms as may be thought proper.

Deposit to meet Costs.

43. At the time of filing such memorandum, or within such further time as the Judge may allow, the Appellant shall deposit £20 with the Registrar, or such other amount (not less than £10, nor more than £40) as the Judge 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 Judge that there are respondents in separate interests, he may order a separate deposit in respect of each or any of such interests.

Discretion if bankrupt or debtor appeal.

44. Provided that in the case of an appeal by the bankrupt or debtor, the Judge may dispense with any such deposit if he thinks fit so to do.

Proceedings when Stayed.

45. No proceedings consequent on any order or decision appealed from shall be stayed, notwithstanding any such memorandum and deposit, unless the Judge shall, on such terms as may by him be thought just, direct proceedings to be stayed. Provided that where on 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.

46. (1.) No evidence shall be used on the hearing of an appeal, other than such as was used before the Judge; 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 Judge to appear and be examined before the Court, as the case may appear to the Court to require.

Disputes as to Evidence.

(2.) Whenever any question shall arise as to what evidence was used before the Judge, 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 Judge.

Part II.—Proceedings from Act of Bankruptcy to Discharge.

DECLARATION OF INABILITY TO PAY DEBTS.

Form of declaration.

47. A declaration by a debtor of his inability to pay his debts shall be dated, signed, and witnessed, and shall be in Form No. 2 in the Appendix, with such variations as circumstances may require. The witness shall be a solicitor, Justice of the Peace, or Commissioner for Affidavits, or an Official Assignee or the Registrar in Bankruptcy.

BANKRUPTCY NOTICE.

Issue of notice.

48. A creditor desirous that a bankruptcy notice may be issued shall produce to the Registrar an office copy of the judgment on which the notice is founded, and file the notice, together with a request for issue, and for leave for service, which shall be in Form No. 3, in the Appendix, with such variations as circumstances may require. The creditor shall at the same time lodge with the Registrar two copies of the bankruptcy notice, to be sealed and issued for service, and obtain from the Judge or Registrar an order giving leave to effect service of the said notice. The order shall be in Form No. 4A of the Appendix.

Service of notice.

49. A bankruptcy notice shall be served, and service thereof shall be proved in the like manner as is by these Rules prescribed for the service of a creditor's petition.

Application to set aside.

50. The filing by the debtor upon whom a bankruptcy notice has been served of an affidavit to the effect that he has a counter claim, set off, or cross demand which equals or exceeds the amount of the judgment debt, and which he could not have set up in the action in which the judgment was obtained, shall operate as an application to set aside the bankruptcy notice, and thereupon the Registrar shall fix a day for hearing the application, and not less than three days before the day so fixed shall give notice thereof both to the debtor or creditor, or to their respective solicitors. If the application cannot be heard until after the expiration of the time specified in the notice as the day on which the act of bankruptcy will be complete, the Registrar shall extend the time, and no act of bankruptcy shall be deemed to have been committed under the notice, until the application has been heard and determined.

Setting aside notice.

51. When the Judge makes an order setting aside the bankruptcy notice, he may at the same time declare that no act of bankruptcy has been committed by the debtor under such notice.

BANKRUPTCY PETITION.

Form of petition.

52. A debtor's petition shall be in Form No. 6, and a creditor's petition in the Form No. 7, in the Appendix, with such variations as circumstances may require. After the presentation of a creditor's petition, and before signing and sealing the notice thereon, the statements contained in the petition shall be perused by the Registrar.

Description and address of debtor.

53. (1.) Where a petition is presented by a debtor he shall, besides inserting therein his name and description, and his address at the date when the petition is presented, further describe himself as lately residing or carrying on business at the address or several addresses, as the case may be, at which he has incurred debts and liabilities which at the date of the petition remain unpaid or unsatisfied.

(2.) Where a petition is presented against a debtor who resides or carries on business at an address other than the address at which the debtor was residing or carrying on business at the time of contracting the debt or liability in respect of which the petition is presented, the petitioning creditor, in addition to stating in the petition the description of the debtor, as of his then present address and description, shall in the petition describe the debtor as lately residing or carrying on business at the address at which he was residing or carrying on business when the debt or liability was incurred.

Deposit by petitioning creditor.

54. Upon the presentation of a creditor's petition, the petitioner shall deposit with the Registrar the sum of six pounds, and such further sum as the Registrar may direct to cover the Court fees and other necessary expenses of and incidental to the sequestration. The Registrar shall in all cases account to the creditor for the moneys so deposited.

Deposit by petitioning debtor.

55. Upon the presentation of a petition, the debtor shall deposit with the Registrar the sum of five pounds if the estate exceeds two hundred pounds, and three pounds if the estate is less than two hundred pounds, to cover the Court fees and other necessary expenses of and incidental to the sequestration, provided that the Registrar may if he thinks fit vary or remit the amount of the deposits. The Registrar shall account for the moneys so deposited to the debtor's estate.

CREDITOR'S PETITION.

Security for costs.

56. A petitioning creditor who is resident abroad, or whose estate is vested in a trustee under any law relating to bankruptcy, or against whom a petition is pending under the Act, or who has made default in payment of any costs ordered by any Court to be paid by him to the debtor, may be ordered to give security for costs to the debtor.

Joint petitioners.

57. When a petition is presented by two or more creditors jointly, it shall not be necessary that each creditor shall depose to the truth of all the statements which are within his own knowledge; but it shall be sufficient that each statement in the petition is deposed to by some one within whose knowledge it is.

Personal service.

58. A creditor's petition shall be personally served by delivering to the debtor a copy of the filed petition, with a sealed notice thereon, signed by the Registrar or other officer of the Court, of the time and place for the hearing of the petition. Service of the petition shall in all cases be proved by affidavit, with a copy of the petition attached.

Substituted service.

59. If personal service cannot be effected, or if the debtor petitioned against is not in the Colony of New South Wales, the Judge may extend the time for hearing the petition, or if the Judge is satisfied by affidavit or other evidence on oath that the debtor is keeping out of the way to avoid such service, or service of any other legal process, or that for any other cause prompt personal service cannot be effected, he may order substituted service to be made by delivery of the petition to some adult inmate at his usual or last known residence or place of business, or by registered letter, or in such other manner as the Judge may direct, and that such petition shall then be deemed to have been duly served on the debtor.

Several respondents.

60. Where there are more respondents than one to a petition, the rules as to service shall be observed with respect to each respondent; but where all the respondents have not been served, the petition may be heard separately or collectively as to the respondent or such of the respondents as has or have been served, and separately or collectively as to the respondents not then served, according as service upon them is effected.

Debtor intending to show cause.

61. Where a debtor intends to show cause against a petition he shall file a notice with the Registrar, specifying the statements in the petition which he intends to deny or dispute, and transmit by post to the petitioning creditor and his solicitor, if known, a copy of the notice three days before the day on which the petition is to be heard.

Non-appearance of debtor.

62. If the debtor does not appear at the hearing, the Judge may make a sequestration order on such proof of the statements in the petition as he shall think sufficient.

Non-appearance of creditor.

63. If any creditor neglects to appear on his petition no subsequent petition against the same debtor or debtors, or any of them, either alone or jointly with any other person, shall be presented by the same creditor in respect of the same act of bankruptcy without the leave of the Judge to whom the previous petition was presented.

Proceedings after trial of disputed question.

64. (1.) Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided in favour of the validity of the debt, the petitioning creditor may apply to the Registrar to fix a day on which further proceedings on the petition may be had, and the Registrar on production of the judgment of the Court in which the question was tried, or an office copy thereof, shall give notice to the petitioner, by post, of the time and place fixed for the hearing of the petition, and a like notice to the debtor at the address given in his notice to dispute, or to their respective solicitors.

(2.) Where such question has been decided against the validity of the debt, the dismissal of the petition without costs may be ordered on an application made *ex parte*.

Extension of time.

65. No order shall be made for an extension of time for the hearing of a petition beyond fourteen days from the days fixed for the hearing of the petition, unless the Judge is satisfied that such extension of time will not be prejudicial to the general body of creditors. Any costs occasioned by such application shall not be allowed out of the estate unless so ordered by the Judge.

SEQUESTRATION ORDER.

Form of contents.

66. A sequestration order made upon a debtor's petition shall be in Form No. 11 and upon a creditor's petition in Form No. 12 of the Appendix, with such variations as circumstances may require.

Notification of order.

67. When any sequestration order is made, notice shall forthwith be given by the Registrar to the Official Assignee named in the order.

Service of, on creditor's petition.

68. The Official Assignee shall cause a sealed copy of a sequestration order made on a creditor's petition to be served on the bankrupt.

Order discharging sequestration.

69. (1.) An order discharging a sequestration shall be in Form No. 16 of the Appendix, with such variations as circumstances may require.
- (2.) When a sequestration order is discharged, the Registrar shall forthwith cause the discharge to be gazetted.
- (3.) The order of the Judge discharging a sequestration order shall not relieve the Official Assignee or trustee from accounting to the Judge for all transactions in connection with the estate.

PUBLIC EXAMINATION OF BANKRUPT.

Notice to creditors of examination.

70. As soon as the statement of affairs is filed, the Judge or Registrar shall appoint the time for holding the public examination of the bankrupt, and the Official Assignee shall serve a copy of the order in that behalf on the bankrupt, and shall give to the creditors notice of the time appointed by such order.

Adjournments *sine die*.

71. Where the Judge or Registrar is of opinion that a bankrupt is failing to disclose his affairs, or where the bankrupt has failed to attend the public examination or any adjournment thereof, or where the bankrupt has not complied with any order of the Judge or Registrar in relation to his accounts, conduct, dealings, and property, and no good cause is shown by him for such failure, the Judge or Registrar may adjourn the public examination *sine die*, and may make such further or other order as they shall think fit.

72. Where an examination has been adjourned *sine die*, and the bankrupt desires to have a day appointed for proceeding with his public examination, the expense of gazetting, advertising, and giving notice to creditors of the day to be appointed for proceeding with such examination, shall, unless the Official Assignee or trustee, as the case may be, consents to the costs being paid out of the estate, be at the cost of the bankrupt,

who shall, before any day is appointed for proceeding with the public examination, deposit with the Official Assignee such sum as the Official Assignee shall think sufficient to defray the expense aforesaid. The balance of the deposit, after defraying the expenses aforesaid, shall be returned to the bankrupt.

COMPOSITION OR SCHEME.

Application by Official Assignee for approval of Judge.

73. Where the creditors have confirmed a composition or scheme, the Official Assignee or trustee may forthwith, on the request of the bankrupt, or in any other case if the bankrupt does not within three days from the date of the confirmation apply to the Judge to approve of it, make an application to the Judge for the approval of such composition or scheme, whether he reports in favour of it or not. The Official Assignee or trustee shall not, by making such application, be deemed necessarily to approve of the composition or scheme.

Application by bankrupt and others.

74. Any person, other than the Official Assignee, who applies to the Judge to approve of a composition or scheme shall, not less than three days before the day appointed for hearing the application, send notice of the application to the Official Assignee.

Notice of application.

75. Whenever an application is made to the Judge to approve of a composition or scheme, the Official Assignee shall, not less than seven days before the day appointed for hearing the application, send notice of the application to every creditor who has proved his debt.

Official Assignee's report to be filed.

76. In every case of an application to the Judge to approve of a composition or scheme, the report of the Official Assignee made pursuant to section 19 of the Act, shall be filed not less than four days before the time fixed for hearing the application. And the Judge may, at the hearing, besides taking the report into consideration, hear the Official Assignee thereon.

Costs of bankrupt.

77. No costs incurred by a bankrupt of or incidental to an application to approve a composition or scheme, if the Judge refuses to approve thereof, shall be allowed out of the estate.

Provision in composition or scheme for costs and charges.

78. No composition or scheme shall be approved of by the Judge unless the Judge is duly satisfied, on the report of the Official Assignee, that provision is made for payment of all proper costs, charges, and expenses of and incidental to the bankruptcy.

Order and proceedings.

79. An order approving a composition or scheme shall be in Form No. 30 of the Appendix, with such variations as circumstances may require, and upon the making thereof the Official Assignee shall put the bankrupt (or as the case may be, the trustee under the composition or scheme) into possession of the bankrupt's property.

Non-payment of composition.

80. Where a composition or scheme is sanctioned, and default is made in any payment thereunder, either by the bankrupt or the trustee (if any), no action to enforce such payment shall lie, but the remedy of any person aggrieved shall be by application to the Judge.

Annulment of composition and proceedings.

81. Where a composition is annulled, the property of the bankrupt shall, unless the Court otherwise directs, without any special order revert in the Official Assignee of the bankruptcy, and the trustee under the composition shall account to the Official Assignee for any property of the debtor which has come into his hands.

Dividends under composition.

82. Where, under any composition or scheme, provision is made for the payment of any money to creditors entitled thereto, and any claim in respect of which a proof has been lodged, is disputed, the Judge may, if he shall think fit, direct that the amount which would be payable upon such claim if established shall be secured in such manner as the Judge shall direct, until the determination of the claim so disputed; and on the determination thereof the sum so secured shall be paid as the Judge may direct.

STATEMENT OF AFFAIRS.

Statement of affairs.

83. A debtor's statement of affairs shall be in Form No. 13 in the Appendix, with such variations as circumstances may require.

PROOF OF DEBTS.

Proof of debts.

84. A creditor's proof shall be in Form No. 20 in the Appendix, with such variations as circumstances may require.

Production of bills of exchange.

85. Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the debtor is liable, such bill of exchange, note, instrument, or security must, subject to any special order of the Judge made to the contrary, be produced to the Registrar before the proof can be admitted either for voting or for dividend.

Lodging proofs and transmission of same.

86. A proof intended to be used at the first meeting of creditors shall be lodged with the Registrar together with a copy, not later than the time mentioned for that purpose in the notice convening the meeting, which time shall not be later than two clear days before the day appointed for such meeting. The Registrar shall, before the time appointed for the meeting, give to the Official Assignee the copies of the proofs so received by him, together with his adjudications thereon; and the Official Assignee shall, if a trustee be elected, hand over the said copies to such trustee.

Appeal from rejection of proof.

87. Subject to the power of the Judge to extend the time, no application to reverse or vary the decision of the Registrar in rejecting a proof shall be entertained after the expiration of twenty-one days from the date of the decision complained of.

DIVIDENDS.

Notice of dividend.

88. When a dividend becomes payable the Official Assignee or trustee shall cause an advertisement to be inserted in the Gazette, and shall send notice by letter to all creditors who have proved in the estate.

Production of bills, notes, &c.

89. Subject to the provisions of section 70 of the Bills of Exchange Act, 1887, and subject to the power of the Judge in any other case on special grounds to order production to be dispensed with, every bill of exchange, promissory note, or other negotiable instrument or security, upon which proof has been made, shall be exhibited to the Official Assignee or trustee before payment of dividend thereon, and the amount of dividend paid shall be endorsed on the instrument.

Dividend may be sent by post.

90. The amount of the dividend may, at the request and risk of the creditor, be transmitted to him by post.

BANKRUPT'S CERTIFICATE.

Notice of form, costs of application for.

91. (1) The Official Assignee or trustee shall give seven days' notice in writing to each proved creditor of the intention of the bankrupt to apply for his certificate of discharge. Such notice shall be in Form No. 18 of the Appendix.
- (2) A certificate of discharge shall be the Form No. 19 of the Appendix. The bankrupt shall not be entitled to have any of the costs of or incidental to his application for his certificate allowed him out of the estate.

Date and issue of certificate.

92. The certificate of discharge shall be dated of the day on which all fees payable by the bankrupt in respect of proceedings under this Act are paid; but such certificate shall not issue until after the expiration of the time allowed for appeal, or if an appeal be entered, until after the decision of the Court thereon.

Accounts of after-acquired property.

93. Where a bankrupt is discharged, subject to any condition as to his after-acquired property, it shall be his duty, until such judgment or condition is satisfied, from time to time to give the Official Assignee or trustee such information as he may require with respect to his after-acquired property, and not less than once a year to file with the Registrar a statement showing the particulars of any property or income he may have acquired subsequent to his discharge.

PROXIES AND VOTING LETTERS.

Form and filing of proxies.

94. (1.) A general proxy shall be in the Form No. 22, a special proxy shall be in Form No. 23, and a voting letter under section 19, sub-section (2) of the Act, shall be in Form No. 24 in the Appendix, with such variations as circumstances may require.
- (2.) A proxy shall be lodged with the Official Assignee or trustee not later than the day before the meeting at which it is to be used.
- (3.) As soon as a proxy or voting letter has been used it shall be filed with the proceedings in the matter.

Proxy by firm.

95. A proxy given by a firm or person carrying on business shall be deemed to be sufficiently executed if it is filled up and signed by any person having a general authority to sign for such firm or person. Such authority shall be in writing.

Filing in when creditor blind, &c.

96. The proxy of a creditor blind or incapable of writing may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and residence; and provided that all insertions in the proxy are in the handwriting of the witness, and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request of the creditor and in his presence before he attached his signature or mark.

Minors not to be proxies.

97. No person shall be appointed a general or special proxy who is a minor.

MEETINGS OF CREDITORS.

Notice to bankrupt of meeting.

98. The Official Assignee or Trustee shall give three days notice to the bankrupt of the time and place appointed for the meetings of the creditors. It shall nevertheless be the duty of the bankrupt to attend such meetings although the notice is not sent to or does not reach him.

Non-reception of notice by creditor.

99. Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall, unless the Judge otherwise orders, be valid notwithstanding that some creditors shall not have received the notice sent to them.

Proof of notice.

100. An affidavit by the Official Assignee that the notice has been duly posted shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Costs of calling meeting.

101. The costs of summoning a meeting of creditors at the instance of any person other than the Official Assignee or Trustee shall be paid by the person at whose instance it was summoned, to be repaid to him out of the estate if the creditors or the Judge shall so direct.

Copy of resolution for Registrar.

102. The Official Assignee, or as the case may be the Trustee, shall send to the Registrar a copy certified by him of every resolution of a meeting of creditors.

Quorum.

103. In calculating a quorum of creditors present at a meeting, those persons only who are entitled to vote at the meeting shall be reckoned.

PROCEEDINGS BY COMPANY OR CO-PARTNERSHIP.

Public Officer or Agent of Company, &c.

104. A bankruptcy petition against, or bankruptcy notice to, any debtor to any company or co-partnership duly authorized to sue and be sued in the name of a public officer or agent of such company or co-partnership, may be presented by or sued out by such public officer or agent as the nominal petitioner for or on behalf of such company or co-partnership, on such public officer or agent filing an affidavit stating that he is such public officer or agent, and that he is authorized to present or sue out such petition or bankruptcy notice.

PROCEEDINGS BY OR AGAINST FIRM.

Attestation of firm signature.

105. Where any notice, declaration, petition, or other document requiring attestation is signed by a firm of creditors or debtors in the firm name, the partner signing for the firm shall add his own signature, e.g. "Brown & Co., by James Green, a partner in the said firm."

Service on Firm.

106. Any notice or petition for which personal service is necessary shall be deemed to be duly served on all the members of a firm if it is served at the principal place of business of the firm in New South Wales, on any one of the partners having at the time of service the control or management of the partnership business.

Debtor's Petition by Firm.

107. Where a firm of debtors file a declaration of inability to pay their debts or bankruptcy petition the same shall contain the names in full of the individual partners, and if such declaration or petition is signed in the firm name the declaration or petition shall be accompanied by an affidavit made by the partner who signs the declaration or petition, showing that all the partners concur in the filing of the same.

Sequestration Order against Firm.

108. A sequestration order made against a firm shall operate as if it were a sequestration order made against each of the persons who at the date of the order is a partner in that firm.

Statement of Affairs.

109. In cases of partnership the debtors shall submit a statement of their partnership affairs, and each debtor shall submit a statement of his separate affairs.

Sequestration against Partners.

110. No order of sequestration shall be made against a firm in the firm name, but it shall be made against the partners individually with the addition of the firm name.

JOINT AND SEPARATE ESTATES.

First Meeting.

111. Where a sequestration order is made against a firm, the joint and separate creditors shall collectively be convened to the first meeting of creditors.

Composition, &c.

112. At the first meeting, or any adjournment thereof, the joint creditors and each set of separate creditors may severally entertain proposals for compositions or schemes of arrangement under section 19 of the Act. So far as circumstances will allow, a proposal entertained by joint creditors may be confirmed and approved in the prescribed manner, notwithstanding that the proposals or proposal of some or one of the bankrupts made to their or his separate creditors may not be entertained, confirmed, and approved.

Voting on Composition.

113. Where proposals for compositions or schemes are made by a firm, and by the partners therein individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from every set of separate creditors; and the proposal made to each separate set of creditors shall be considered and voted upon by such separate set of creditors apart from all other creditors.

LUNATICS.

Lunatics.

114. Where any debtor or creditor is a lunatic not so found by inquisition, the Court may appoint such person as the Court shall think fit to do any act required by the Act or Rules to be done by such debtor or creditor.

Part III.—Official Assignees Trustees, &c.

ACCOUNTS AND AUDIT.

Record Book.

115. The Official Assignee, until a trustee is appointed, and thereafter the trustee, shall keep a book to be called the "Record Book," in which he shall record all minutes, all proceedings had, and resolutions passed at any meeting of creditors, or of the committee of inspection, and all such matters as may be necessary to give a correct view of his administration of the estate, but he shall not be bound to insert in the record any document of a confidential nature (such as the opinion of counsel or any matter affecting the interest of the creditors), nor need he exhibit such document to any person other than a member of the committee of inspection.

Cash Book.

116. The Official Assignee, until a trustee is appointed, and thereafter the trustee, shall keep a book to be called the "Cash Book" (which shall be in such form as the Judge may from time to time direct), in which he shall enter from day to day the receipts and payments made by him.

Books to be submitted to Judge.

117. (1.) The Official Assignee or trustee shall submit the Record Book and Cash Book, together with any other requisite books and vouchers, to the Judge or Registrar when required.
- (2.) All accounts lodged by the Official Assignee or trustee under section 67 of the Act shall be verified by him.

Proceedings on resignation, &c., of trustee.

118. Upon a trustee resigning, or being released or removed from his office, he shall deliver over to the Official Assignee, or, as the case may be, to the new trustee, all books kept by him, and all other books, documents, papers, and accounts in his possession relating to the office of trustee.

Bankrupt's books.

119. The Court may, on the application of the Official Assignee or trustee, direct in what manner the bankrupt's books of account, or any of them, may be disposed of.

TRUSTEES.

Removal for failure to keep up security.

120. When a trustee or special manager has given security, but fails to keep up such security, the Judge may remove him from his office.

Notice of resignation.

121. A trustee intending to resign his office shall call a meeting of creditors to consider whether his resignation shall be accepted or not, and shall give not less than seven days' notice of the meeting to the Official Assignee.

Remuneration.

122. No trustee shall be entitled to receive out of the estate any remuneration for services, except that provided by the Act.

Trustee carrying on business.

123. (1.) Where the trustee carries on the business of the debtor, he shall keep a distinct account of the trading, and shall incorporate in the cash book the total weekly amount of the receipts and payments of such trading account.
- (2.) The trading account shall from time to time, and not less than once in every month, be verified by affidavit, and the trustee shall thereupon submit such account to the committee of inspection (if any), or such member thereof as may be appointed by the committee for that purpose, who shall examine and certify the same.

Application for release.

124. A trustee before making application to the Judge for his release shall give notice of his intention so to do to all the creditors of the bankrupt who have proved their debts, and to the bankrupt, and shall send with such notice a summary of his receipts and payments as trustee.

Gazette of release.

125. Where the Judge has granted to a trustee his release a notice of the order granting such release shall be gazetted. The trustee shall be required to provide the requisite stamp fee, which may be charged to the estate.

Meeting of creditors to consider conduct of trustee.

126. Where one-fourth in value of the creditors desire that a general meeting of the creditors may be summoned to consider the propriety of removing the trustee, such meeting may be summoned by a member of the committee of inspection, or by the Official Assignee on the deposit of a sum sufficient to defray the expenses of summoning such meeting.

Creditor may obtain copy of trustee's account.

127. Any creditor who has proved his debt, may apply to the trustee for a copy of the accounts (or any part thereof) relating to the estate as shown by the cash book up to date, and on paying for the same at the rate of four pence per folio he shall be entitled to have such copy accordingly.

Fee for list of creditors.

128. In the case mentioned in section 95 of the Act, the fee shall be calculated at the same rate as in the last preceding Rule mentioned.

Dealings with estate.

129. Neither the trustee nor any member of the committee of inspection of an estate shall, while acting as trustee or member of such committee, except by leave of the Court, either directly or indirectly, by himself or any partner, clerk, agent, or servant, become purchaser of any part of the estate. Any such purchase made contrary to the provisions of this Rule may be set aside by the Judge on the application of any creditor or person interested.

Committee of inspection.

130. No member of a committee of inspection of an estate shall, except under and with the sanction of the Judge, directly or indirectly, by himself or any employer, partner, clerk, agent, or servant, be entitled to derive any profit from any transaction arising out of the bankruptcy, or to receive out of the estate any payment for services rendered by him in connection with the administration of the estate, or for any goods supplied by him to the trustee for or on account of the estate. If it appears to the Judge that any profit or payment has been made contrary to the provisions of this Rule they may disallow such payment, or recover such profit, as the case may be, on the audit of the trustee's account.

Discharge of costs, &c., before estate handed over to trustee.

131. (1.) Where a debtor is adjudged bankrupt, and a trustee is appointed, the Official Assignee shall forthwith put the trustee into possession of all property of the bankrupt of which the Official Assignee may be possessed; provided that such trustee shall have, before the estate is handed over to him by the Official Assignee, discharged any balance due to the Official Assignee on account of fees, costs, and charges properly incurred by him and payable under the Act, and on account of all advances properly made by him in respect of the estate, together with interest on such advances at the rate of five pounds per cent. per annum, and shall have discharged or undertaken to discharge all guarantees which have been properly given by the Official Assignee for the benefit of the estate; and the trustee shall pay all fees, costs, and charges of the Official Assignee which may not have been discharged by the trustee before being put into possession of the property of the bankrupt, and whether incurred before or after he has been put into such possession.

- (2.) The Official Assignee shall be deemed to have a lien upon the estate until such balance shall have been paid, and such guarantees and other liabilities shall have been discharged.
- (3.) It shall be the duty of the Official Assignee, if so requested by the trustee, to communicate to the trustee all such information respecting the bankrupt and his estate and affairs as may be necessary or conducive to the due discharge of the duties of the trustee.

Application for directions.

132. Where an Official Assignee or trustee desires to apply to the Judge or Registrar for directions in any matter, he shall file an application in the Form No. 27 in the Appendix. The Judge or Registrar shall then hear the application, or fix a day for hearing it, and direct the Official Assignee or trustee to apply by motion.

DISCLAIMER OF LEASE.

Disclaimer of lease without leave.

133. A lease may be disclaimed without the leave of the Judge in any of the following cases, namely, where the bankrupt has not sublet or assigned the lease or created any mortgage or charge thereon; and

- (a.) The rent reserved and real value of the property leased, as ascertained by the property tax assessment, are less than twenty pounds per annum; or
- (b.) The estate is administered under the provisions of section 17 of the Act; or
- (c.) The Official Assignee or trustee serves the lessor with notice of his intention to disclaim, and the lessor does not within seven days after the receipt of such notice give notice to the Official Assignee or trustee requiring the matter to be brought before the Judge.

Except as provided by this Rule the disclaimer of a lease without the leave of the Court shall be void.

OFFICIAL ASSIGNEES.

One Official Assignee may act for another.

134. In case of emergency, one Official Assignee shall have audience for another in any matter heard before the Judge or Registrar.

Duties as to bankrupt's statement of affairs.

135. (1.) As soon as the Official Assignee receives notice that he has been appointed to an estate he shall furnish the bankrupt with a copy of instructions for the preparation of his statement of affairs. The instructions shall be in Form No. 13 of the Appendix.
- (2.) The Official Assignee, or some person deputed by him, shall also forthwith hold an interview with the bankrupt for the purpose of determining whether the estate can be administered under section 17 of the Act.
- (3.) It shall be the duty of the bankrupt to attend at such time and place as the Official Assignee may appoint.

Evidence on application by Official Assignee.

136. Where, for the purposes of any application to the Judge by the Official Assignee for directions, or to adjudge a debtor bankrupt, or for leave to disclaim a lease, or for an extension of time to apply for leave to disclaim a lease, or for an order to take criminal proceedings against a bankrupt, or to commit a bankrupt, it is necessary that evidence be given by him in support of such application, such evidence may be given by a report of the Official Assignee to the Judge, and need not be given by affidavit; and any such report of the Official Assignee to the Judge shall be received as *prima facie* evidence of the matters reported upon.

Accounting by Official Assignee.

137. (1.) Where a composition scheme is sanctioned by the Judge the Official Assignee shall account to the debtor, or, as the case may be, to the trustees under the composition or scheme.
- (2.) Where a debtor is adjudged bankrupt and a trustee is appointed the Official Assignee shall account to the trustee in the bankruptcy.
- (3.) If the bankrupt, or, as the case may be, the trustee, is dissatisfied with the account or any part thereof, he may report the matter to the Judge, who shall take such action (if any) thereon as he may deem expedient.

Trading account of debtor.

138. The bankrupt shall, on the request of the Official Assignee, within ten days after having been so required, furnish him with trading and profit and loss accounts, and a cash and goods account for such period not exceeding two years prior to the date of the sequestration order as the Official Assignee shall specify. Provided that the bankrupt shall, if ordered by the Judge so to do, furnish such accounts as the Judge may order for any longer period. If the bankrupt fails to comply with the requirements of this rule the Official Assignee shall report such failure to the Judge, and the Judge shall take such action on such report as he shall think just.

SPECIAL MANAGER.

Remuneration of Special Manager.

139. When a Special Manager has been appointed, and his remuneration is not fixed by the creditors, he shall be paid such remuneration as may from time to time be fixed by the Official Assignee, subject to the approval of the Judge.

Accounts.

140. Every Special Manager shall account to the Official Assignee or trustee, and such Special Manager's account shall be verified by affidavit, and when approved by the Official Assignee or trustee the totals of the receipts and payments shall be added to the Official Assignee's or trustee's account.

PAYMENTS INTO AND OUT OF THE BANKRUPTCY ESTATE ACCOUNT.

Payments of money into bankruptcy estate account.

141. Every Official Assignee and trustee shall, once every week, on a day and at an hour to be fixed by the Registrar, hand over to him all moneys received as such Official Assignee or trustee together with a detailed statement of the amount received in each estate.

Payment out of bankruptcy estate account and declaration of dividend.

142. (1.) As soon as any account and plan of distribution shall have been confirmed, the Registrar shall, upon the written application of the Official Assignee or trustee, by cheque drawn upon the Bankruptcy Estate Account, pay into such bank as he may select in the name of the Official Assignee or trustee a sum sufficient to cover the dividends and unpaid charges included in such account and plan, and thereupon the Official Assignee or trustee shall forthwith declare the dividend by notice in the Gazette.

- (2.) If the amount realized is insufficient to pay the charges in any account confirmed, the Registrar shall, in the manner aforesaid, pay to the Official Assignee or trustee the whole sum received by him on account of the estate.

Part IV.—Miscellaneous.

No lien on bankrupt's book.

143. No person shall, as against the Official Assignee or trustee, be entitled to withhold possession of the books of accounts belonging to the bankrupt or to set up any lien thereon.

Sales in bankruptcy.

144. All sales in bankruptcy affected by or by the order of an Official Assignee or trustee shall, unless the Judge in any case shall otherwise direct, be by public auction, of which six days' notice, by advertisement in two local newspapers, shall be given.

Non-compliance with rules.

145. Non-compliance with any of these rules, or with any rule of practice for the time being in force, shall not render any proceeding void, unless the Judge shall so direct, but such proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Judge may think fit.

Saving for existing rules, &c.

146. When no other provision is made by the Act or these rules, the procedure and practice in insolvency matters shall, in so far as applicable, remain in force. And save as provided by these rules, or rules amending them, the rules of the Supreme Court shall apply to any proceeding in bankruptcy.

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
WM. OWEN, J.
GEORGE HIBBERT DEFFELL, J.

25th January, 1888.

APPENDIX OF FORMS.

No. 1.

GENERAL TITLE.

In the Supreme Court of
New South Wales.
In Bankruptcy.
Re [James Brown].

No.

Ex parte [here insert "the debtor," or "the bankrupt," or J.S., a creditor, or "the official assignee," or "the trustees"].

No. 2.

DECLARATION OF INABILITY TO PAY.

(Title.)

I, A.B. [name and description of debtor], residing at [and carrying on business at], hereby declare that I am unable to pay my debts.

Dated this day of , 188 .

(Signature) A.B.

Signed by the debtor in my presence.

Signature of witness.

Address.

Description.

Filed the day of 188 .

NOTE.—Where the debtor resides at a place other than his place of business both addresses should be inserted.

No. 3.

REQUEST FOR ISSUE OF AND ORDER FOR LEAVE SERVICE OF BANKRUPTCY NOTICE.

(Title.)

1. I, C.D., of hereby request that a bankruptcy notice be issued by this Court against [here insert name, description, and address of judgment debtor], and that an order may be made giving leave to serve him with the same.

2. The said A.B. has for the greater part of the past six months resided at [or carried on business at].

3. I produce an office copy of a final judgment against the said A.B. obtained by [me] in the Court on the day of .

4. Execution on the said judgment has not been stayed.

Dated this day of 188 .

C.D., judgment creditor,

or,

[E.F., solicitor for the judgment creditor].

NOTE.—Where the debtor resides at a place other than his place of business both addresses should be inserted.]

No. 4.

AFFIDAVIT ON APPLICATION TO SET ASIDE BANKRUPTCY NOTICE.

(Title.)

I, A.B., of make oath and say:—

1. That I was, on the day of , served with the notice hereunto annexed [or, describe the notice].

That I have satisfied the judgment debt claimed by C.D. by [state nature of satisfaction].

Or,

2. That I have a counter-claim [or set-off or cross demand] for £ , being a sum equal to [or exceeding] the claim of the said C.D. in respect of [here state grounds of counter-claim].

3. That I could not have set up the said counter-claim [or, as the case may be] in the action in which the said judgment was obtained against me.

Sworn, &c.

ORDER GIVING LEAVE TO EFFECT SERVICE OF BANKRUPTCY NOTICE.

No. 4 A.

Upon the application of Mr. , solicitor for the above-named , leave is hereby given to effect service of a bankruptcy notice upon the said and I do limit the time for compliance with such notice to [seven] days after service thereof, and the same to be effected accordingly.

Judge in Bankruptcy.

No. 5.

ORDERS SETTING ASIDE BANKRUPTCY NOTICE.

(Title.)

In the matter of a bankruptcy notice issued—

Upon the application of A.B. to set aside this notice, and upon reading the affidavit of A.B. [and upon hearing C.D. (if present)], it is ordered that this notice be set aside, and that C.D. [or, as the case may be] pay to A.B. the sum of £ [or, the costs of this matter].

Dated this day of 188 .

By the Court, Registrar.

Or,

(Title.)

In the matter of a bankruptcy notice issued—

Upon the application of A.B. to set aside this notice, and upon reading and hearing , and upon the said A.B. having

entered into a bond in the penal sum of [the amount of the alleged debt and probable costs or such other sum as the Court may direct], with such two sufficient sureties as the Court [or C.D.] has approved [or having deposited in Court the sum of £], as security for the amount claimed by the notice, the condition of the bond [or deposit] being [here insert condition], it is ordered, &c.

Dated this day of 188 .

By the Court, Registrar.

No. 6.

DEBTOR'S PETITION.

(Title.)

I (a) lately residing at [and carrying on business at (b)] having for the greater part of the past six months resided at [and carried on business at], and being unable to pay my debts, hereby petition the Judge in Bankruptcy that a sequestration order be made in respect of my estate.

Dated the day of 188 .

(a) Insert name, address, and description of debtor.

(b) Insert the other address or addresses at which unsatisfied debts or liabilities may have been incurred.

(Signature)

Signed by the debtor, in my presence.

Signature of witness.

Address.

Description.

Filed the day of 188 .

NOTE.—Where the debtor resides at a place other than his place of business both addresses should be inserted.

No. 7.

CREDITOR'S PETITION.

(Title.)

I, C.D., of [or we, C.D., of and E.F., of], hereby petition the Judge in Bankruptcy that a sequestration order may be made in respect of the estate of (a) of (b) and lately carrying on business at [or residing at] (c), and say,—

1. That the said A.B. has for the greater part of six months next preceding the presentation of this petition resided [or carried on business] at

2. That the said A.B. is justly and truly indebted to me [or us in the aggregate in the sum of £] [set out amount of debt or debts, and the consideration].

3. That I [or we] do not, nor does any person on my [or our] behalf hold any security on the said debtor's estate, or on any part thereof, for the payment of the said sum.

Or,

That I hold security for the payment of [or part of] the said sum [but that I will give up such security for the benefit of the creditors of A.B. in the event of his being adjudged bankrupt] [or and I estimate the value of such security at the sum of £].

Or,

That I, C.D., one of your petitioners, hold security for the payment of, &c.

That I, E.F., another of your petitioners, hold security for the payment of, &c.

4. That A.B. within six months before the date of the presentation of this petition has committed the following act [or acts] of bankruptcy, namely [here set out the nature and date or dates of the act or acts of bankruptcy relied on].

Dated this day of 188 .

[Signed by the petitioner in my presence.]

(Signed) C.D. E.F.

Signature of witness:

Address.

Description.

NOTE.—If there be more than one petitioner, and they do not sign together, the signature of each must be separately attested, e.g., "Signed by the petitioner E.F. in my presence." If the petition be signed by a firm, the partner signing should add also his own signature, e.g., "A.S. & Co., by J.S., a partner in the said firm." If the debtor resides at any place other than the place where he carries on business both addresses should be inserted.

Notice.

This petition having been presented to the Judge on the day of 188 , it is ordered that this petition shall be heard at on the day of 188 , at o'clock in the noon.

And you, the said A.B., are to take notice that if you intend to dispute the truth of any of the statements contained in the petition you must file with the Registrar a notice showing the grounds upon which you intend to dispute the same, and send by post a copy of the notice to the petitioner [three] days before the date fixed for the hearing.

No 8.

SUBSTITUTED SERVICE OF PETITION. NOTICE IN GAZETTE

In the Supreme Court of New South Wales
In Bankruptcy.

In the matter of a bankruptcy petition filed the _____ day of _____
To *A B* of _____

Take notice, that a bankruptcy petition has been presented against you to the Judge in Bankruptcy by *C D* of _____, and the Judge has ordered that the publication of this notice in the *Gazette* and in the _____ newspapers, shall be deemed to be service of the petition upon you, and further take notice that the said petition will be heard at this Court on the _____ day of _____, at _____ o'clock in the noon, on which day you are required to appear, and if you do not appear the Court may make a sequestration order against you in your absence.

The petition can be inspected by you on application at this Court.
Dated this _____ day of _____ 188 _____

Registrar.

No 9.

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION.

(Title)

In the matter of a bankruptcy petition presented against me on the _____ day of _____ 188 _____ by *C D* of _____ [or and *E F* of _____ *G H* of _____ &c.].

I, the above *A B*, do hereby give you notice that I intend to oppose the making of a sequestration order as prayed, and that I intend to dispute the petitioning creditor's debt [or the act of bankruptcy, or as the case may be]

Dated this _____ day of _____ 188 _____
To *C D*, of _____, and to _____, *A B* and to the Registrar of the said Court

No 10.

ORDER TO STAY PROCEEDINGS ON PETITION

(Title)

In the matter of a bankruptcy petition against *A B* of _____
Upon the hearing of this petition this day, and the said *A B* appearing and denying that he is indebted to the petitioner [where petition presented by more than one creditor, add the name of the creditor whose debt is denied] in the sum stated in the petition [or that he is indebted to the petitioner in a sum of a less amount than fifty pounds], [or that he is indebted to *C D*, one of the petitioners, in a sum less than the sum stated to be due from him in the petition], it is ordered that the said *A B* shall within _____ days enter into a bond in the penal sum of [the amount of the alleged debt and probable costs, or such other sum as the Registrar may direct] with such two sufficient sureties as the Registrar shall approve of to pay [or deposit with the Registrar the sum of _____ as security for the payment of] such sum or sums as shall be recovered against the said *A B* by *C D* the petitioner [or one of the petitioners] in any proceeding taken or continued by him against the said *A B*, together with such costs as shall be given by the Court in which the proceedings are had

And it is further ordered, that upon the said *A B* entering into the bond aforesaid, all proceedings on this petition shall be stayed until after the Court in which the proceedings shall be taken shall have come to a decision thereon.

Dated this _____ day of _____ 188 _____

By the Court,
Registrar.

No 11.

SEQUESTRATION ORDER ON DEBTOR'S PETITION

(Title.)

On the petition of the debtor himself, filed the _____ day of _____ 188 _____, and numbered _____, a sequestration order is hereby made against *A B* [Insert name, addresses, and descriptions of debtor as set out in petition], and *M C D*, an Official Assignee, is hereby constituted Official Assignee of the estate of the said *A B*.

Dated this _____ day of _____ 188 _____

Registrar

NOTE—The above-named bankrupt is required immediately after the service of this order upon him to attend the Official Assignee at his offices at (a) _____

Indorsement on Order

The name and address of the solicitor (if any) to the bankrupt is [Insert name and address]

No 12

SEQUESTRATION ORDER ON CREDITOR'S PETITION.

(Title)

On the petition (dated the _____ day of _____ 188 _____, and numbered _____) of *J S* of _____, a creditor, filed the [Insert date] and on reading and hearing _____ and it appearing to the Court that the following act or acts of bankruptcy has or have been committed, viz —

[Set out the nature and date or dates of the act or acts of bankruptcy on which the Order is made]

A sequestration order is hereby made against *A B* [Insert name, addresses, and descriptions, of debtor as set out in petition] and *Mr. C D*, an Official Assignee, is hereby constituted Official Assignee of the estate of the said bankrupt.

Dated this _____ day of _____ 188 _____

Judge in Bankruptcy.

NOTE—The above named bankrupt is required, immediately after the service of this order upon him, to attend the Official Assignee at his office at (a) _____

The Official Assignee's Offices are open every week- _____ (a) Insert the place at which the bankrupt is to attend on the day from 10 a.m. to 4 p.m. except _____ days, when they will close at _____ p.m. the Official Assignee

Indorsement on Order

The name and address of the solicitor to the petitioning creditor are [Insert name and address]

No 13.

(Title)

STATEMENT OF AFFAIRS.

To the Bankrupt—You are required to fill up, carefully and accurately this sheet, and the several sheets, A, B, C, D, E, F, G, H, I, and

(a) Sheet "L" (a), showing the state of your affairs on the day on which the Sequestration Order was made against you, may be substituted for any one or more of such of the sheets named as will have to be returned blank. viz, the _____ day of _____. Such sheets, when filled up, will constitute your statement of affairs. When completed such statement must be verified by oath or declaration.

Gross Liabilities			Liabilities (as stated and estimated by Debtor)			Expected to Rank			Assets (as stated and estimated by Debtor)			Estimated to produce		
£	s	d	£	s	d	£	s	d	£	s	d	£	s	d
			Unsecured creditors as per list (A)						Cash at bankers					
									Cash in hand					
									Estimated cost					
									Property as per list (G), viz —					
									(a) Stock in trade					
									(b) Machinery, trade, fixtures, fittings, utensils, &c					
									(c) Farming stock, growing crops, and tenant right					
									(d) Furniture					
									(e) Other property, viz —					
									Book debts as per list (H), viz —					
									Good					
									Doubtful					
									Bad					
									Estimated to produce					
									Bills of exchange or other similar securities, as per list (I)					
									Estimated to produce					
									Surplus from securities in the hands of creditors fully secured (per contra)					
									Deduct preferential creditors for rent, rates, taxes, wages, &c (per contra)					
									Deficiency explained in statement (h)					

I, _____ of _____, make oath and say that the above statement and the several lists hereunto annexed, marked _____ are to the best of my knowledge and belief a full, true, and complete statement of my affairs on the date of the above mentioned Receiving Order made against me

Sworn at _____ }
this _____ day of _____ 18 _____ } (Signature)
before me _____ }

A.

Unsecured Creditors.

The Names to be arranged in Alphabetical Order and numbered consecutively, Creditors for £10 and upwards being placed first.

No.	Name.	Address and Occupation.	Amount of Debt.		Date when Contracted.		Consideration.
			£	s.	Month.	Year.	

Signature _____

NOTES.—1. When there is a contra account against the creditor less than the amount of his claim against the estate, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of debt," thus:—

Total amount of claim..... £ s. d.
 Less contra account.....

No such set-off should be included in sheet H.

2. The particulars of any bills of exchange and promissory notes held by a creditor should be inserted immediately below the name and address of such creditor.

B.

Creditors fully Secured.

No.	Name of Creditor. Address and Occupation.	Amount of Debt.	Date when Contracted.		Consideration.	Particulars of Security.	Date when given.	Estimated Value of Security.	Estimated Surplus from Security.
			Month.	Year.					

Signature _____

C.

Creditors partly Secured.

No.	Name of Creditor. Address and Occupation.	Amount of Debt.	Date when Contracted.		Consideration.	Particulars of Security.	Month and Year when given.	Estimated Value of Security.	Balance of Debt Unsecured.
			Month.	Year.					

Signature _____

D.

Liabilities.

Full particulars of all Liabilities not otherwise Scheduled to be given here.

No.	Name of Creditor or Claimant.	Address and Occupation.	Amount of Liability or Claim.	Date when Liability incurred.		Nature of Liability.
				Month.	Year.	

Signature _____

E.

Preferential Creditors for Salary, Wages, and Rent.

No.	Name of Creditor.	Address and Occupation.	Nature of Claim.	Period during which Claim accrued due.	Date when due.	Amount of Claim.	Amount payable in full.	Difference ranking for Dividend.

Signature _____

F.

Liabilities of Debtor on Bills other than his own Acceptances.

No.	Acceptor's Name, Address, and Occupation.	Whether liable as Drawer or Indorser.	Date when due.	Amount.	Holder's Name, Address, and Occupation (if known).	Amount expected to rank against Estate for Dividend.

Signature _____

G.

Property.

Full particulars of every description of property in possession and in reversion as defined by Section 168 of the Bankruptcy Act, 1883, not included in any other list, are to be set forth in this list:—

Full Statement and Nature of Property.	Estimated Cost.			Estimated to produce.		
	£	s.	d.	£	s.	d.
(a.) Stock in Trade at						
(b.) Machinery, trade fixtures, fittings, utensils, &c., at						
(c.) Farming stock, growing crops, and tenant right, at						
(d.) Household furniture and effects, at						
(e.) Other property (state particulars), viz:—						

Signature _____

H.

Debts due to the Estate.

No.	Name of Debtor. Residence and Occupation.	Amount of Debt.			Folio of Ledger or other Book where particulars to be found.	When Contracted.		Estimated to Produce.	Particulars of any Securities held for Debt.
		Good.	Doubtful.	Bad.		Month.	Year.		

Signature _____

188 .

NOTE.—If any debtor to the estate is also a creditor, but for a less amount than his indebtedness, the gross amount due to the estate and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading "Amount of debt," thus:—

Due to estate £ s. d.
 Less contra account
 No such claim should be included in sheet A.

J.

Bills of Exchange, Promissory Notes, &c., available as Assets.

No.	Name of Acceptor of Bill or Note.	Address, &c.	Amount of Bill or Note.	Date when due.	Estimated to produce.	Particulars of any Property held as Security for Payment of Bill or Note.

Signature _____

K.

Deficiency Account.

(a) 12 months before date of sequestration order or such other time as Official Assignee may fix. Excess of assets over liabilities on the (a) day of 18 (if any)
 Net profit arising from carrying on business from the (a) day of 18 to date of sequestration order, after deducting usual trade expenses (if any).....
 (b) These figures should agree. Income from other sources since the (a) day of 18
 (c) This schedule must show when debts were contracted. Deficiency as per statement of affairs (b) £

(d) Add wife and children (if any), stating number of latter. Excess of liabilities over assets on the (a) day of 18 (if any)
 (e) Here add any other expenses or losses. Net loss arising from carrying on business from the (a) day of 18 to date of sequestration order after deducting from profits the usual trade expenses (if any).....
 Bad debts (if any) as per schedule (c).....
 Expenses incurred since the (a) day of 18 other than usual trade expenses, viz., household expenses of self and (d) (e) _____

Surplus as per statement of affairs (if any) (b) £ _____

Signature _____
 Dated _____

L.

(In substitution for such of the sheets named A. to J. as will have to be returned blank.)

List.	Particulars, as per Front Sheet.	Debtor's Remarks.

No. 14.

ORDER OF COURT THAT EXAMINATION IS CONCLUDED.

(Title.)

Whereas the above-named A.B. has duly attended before the Judge, and has been publicly examined as to his conduct, dealings, and property;
 And whereas the Judge is of opinion that the affairs of the said A.B. have been sufficiently investigated, it is hereby ordered that the examination of the said A.B. is concluded.
 Dated this day of 188 .

Judge in Bankruptcy.

No. 15.

APPLICATION TO DISCHARGE SEQUESTRATION UNDER SECTION 43.

(Title.)

I, R.S., of , being interested in this matter, do hereby make application to the Court that the order of sequestration against A.B. be discharged [here state grounds of application].
 Dated this day of 188 .

R.S.

No. 16.

ORDER DISCHARGING SEQUESTRATION UNDER SECTION 43.

(Title.)

On the application of R.S., of , and on reading and hearing , it is ordered that the order of sequestration dated against A.B., of , be and the same is hereby discharged.
 Dated this day of 188 .

By the Court,
 Registrar.

No. 17.

APPLICATION FOR CERTIFICATE OF DISCHARGE.

(Title.)

I, A.B., of , having been adjudged bankrupt on the day of , 183 , and being desirous of obtaining my certificate discharge, hereby apply to the Judge in Bankruptcy to fix a day for hearing my application.

My public examination was concluded on the day of .

Annexed hereto is the certificate of the Official Assignee (or Trustee) certifying the number of my creditors.

Dated this day of 188 . (Signed) A.B.

To the Registrar of the Court.

No. 18.

NOTICE TO CREDITORS OF APPLICATION FOR CERTIFICATE OF DISCHARGE.

(Title.)

Take notice that the bankrupt A.B., of , has applied to the Judge for his certificate of discharge, and that the Judge has fixed the day of 188 , at o'clock, for hearing the application.

Dated this day of 188 . G.H., Official Assignee.

To X.Y.

No. 19.

CERTIFICATE OF DISCHARGE.

On the application of A.B., of &c., adjudged bankrupt on the day of 188 , and upon taking into consideration the report of the Official Assignee [or trustee as the case may be] as to the bankrupt's conduct and affairs [and upon hearing the Official Assignee, and C.D., E.F., &c., creditors, and G.H., the trustee, as the case may be].

And whereas it has not been proved that the bankrupt has committed any misdemeanor under the Bankruptcy Act, 1887, and proof has not been made of any of the "facts" mentioned in section 38, or in section 39, of the Bankruptcy Act, 1887, or that the bankrupt has been guilty of any misconduct in relation to his property and affairs. It is ordered that he be and he hereby is discharged.

Or,

And whereas the bankrupt has committed the following misdemeanor (or misdemeanors) under the Bankruptcy Act, 1887, viz. (here state particulars).

It is ordered that his discharge be and it is hereby refused.

Or,

And whereas it has not been proved that the bankrupt has committed any misdemeanor under the Bankruptcy Act, 1887, but proof has been made of the following facts under section 38 (or section 39) of the Bankruptcy Act, 1887, viz. [here state particulars] [and that he has been guilty of misconduct in relation to his property and affairs], viz. (here state particulars).
 It is ordered that his discharge be and it is hereby refused.

Or,

It is ordered that he be discharged subject to the following conditions, viz. (here state conditions).

Or,

It is ordered that his discharge be suspended for (insert period), and that he be discharged as from the day of 188 , being (insert period) from the date of this order.

Dated this day of 188 .

Judge in Bankruptcy.

No. 20.
PROOF OF DEBT.

In the Supreme Court of
New South Wales.
In Bankruptcy.

No.

Re
State name of person making the proof, address and occupation. On the _____ day of _____ 188____
of _____ being duly sworn,
states as follows:—

The abovenamed bankrupt at and before the sequestration of estate and still justly and truly indebted to _____ in the sum of £ _____ over and above all just allowances. For that I further say the bankrupt has set-off against the said debt of £ _____ as far as I know and believe; and the said _____ hold no security for the same; and has not received any payment in respect of the said demand, or of any instrument securing the same, for which credit has not been given in the above-mentioned allowances.

Sworn by deponent, on the day and year first above-mentioned, at (_____) before me,
A Commissioner for Affidavits.

Admitted to vote for £ _____, this _____ day of _____ 188____
dividend for £ _____, A.B.,
Registrar.

Common Forms and Directions for filling up the above General Form, for Proof of Debt.

Proof by Agent. I am the Agent [Attorney or in the employ] of A.B., and am duly authorised by [here state authority, e.g., by power of attorney] to make this affidavit. It is within my own knowledge that the debt hereafter deposed to was incurred. My means of knowledge are:—

Goods sold and delivered. For that the said _____ sold and delivered goods to the said Bankrupt to the value of £ _____ the particulars of which appear by the Account hereunto annexed. The vouchers by which this account can be substantiated are:—

Debt on Promissory Notes. For that _____ on the _____ day of _____ 188____, made and delivered his promissory note, payable _____ months after date to _____ or order, for £ _____ [with interest at _____ per cent.] [and the said _____ endorsed the same to _____] and which note remains unpaid [although duly presented—and due notice of dishonour was given to the said bankrupt] and it is hereunto annexed for inspection.

Date of acceptance of Bill of Exchange. For that the said bankrupt accepted [or endorsed] a bill of exchange drawn upon _____ by _____ dated the _____ day of _____ 188____, at _____ months, in the sum of £ _____ [with interest at _____ per cent.] [and the said _____ endorsed the same to _____] and which bill remains unpaid although duly presented, and due notice of dishonour was given to the said insolvent, and is hereunto annexed for inspection.

Debt on Rent. For that the said bankrupt was the occupying tenant of a dwelling-house and situate at _____, the property of the said _____ from the _____ day of _____ 188____, to the _____ day of _____ 188____, at the rate or rent of _____ per _____ and said sum of _____ was fairly due under that tenancy, at the date of sequestration, after allowing all proper credits.

Debt for Wages or Salary. For that the said _____ was the hired [household servant], [or farm servant], [or clerk in the service of] the said bankrupt from the _____ day of _____ 188____, to the _____ day of _____ 188____, on a hiring [or engagement] for a period of _____ [or by the _____] at the rate of _____ by the _____ and said sum of £ _____ was fairly due in respect of such service at the date of sequestration, after allowing all proper credits.

Form or Statement of Set-off. The bankrupt has a set-off against the said sum of £ _____ to the extent of £ _____, the nature and particulars and dates of which are hereunto annexed*; and this proof is for the difference only between said sums, being £ _____

Statement where Securities held. I [or the said _____] hold [or ha] a security against the said debt of £ _____, which security I [or he] value at £ _____. It consists of the instruments set out in the paper hereunto annexed *, which shows the dates and also the property of persons affected by the security, and this proof is for the difference only between said two sums of £ _____ and £ _____ being £ _____

* Annex the same accordingly.

No. 22.
GENERAL PROXY.

(Title.)

I, C.D., of _____, a creditor, hereby appoint the Official Assignee in the above matter [or Mr. A.B., of _____, a clerk in my regular employ] to be my general proxy in the above matter [excepting as to the receipt of dividend].

Dated this _____ day of _____ 188____.

(Signed) C.D.

Signature of witness.
Address.

No. 23.
SPECIAL PROXY.

(Title.)

I, C.D., of _____, a creditor, hereby appoint the Official Assignee in the above matter [or Mr. A.B., of _____] as my proxy at the meeting of creditors to be held on the _____ day of _____ or at any adjournment thereof, to vote (a) [here specify the particular resolution or name of proposed trustee.] (a) insert here the word "for" or the word "against" as the case may require.

Dated this _____ day of _____, 188____.

(Signed) C.D.

Signature of witness.
Address.

Notes to Forms 22 and 23.

(1.) The authorized agent of a corporation may fill up blanks, and sign for the corporation, e.g., for the _____ company.

J.S. (duly authorized under the seal of the company).

(2.) A proxy given by a firm, or person carrying on business, may be filled up and signed by any person having a general authority in writing to sign for such firm or person.

Such person shall sign:—
J.S. [duly authorized by a general authority in writing to sign on behalf of (name of firm or person)] (f).
(f) The Official Assignee or Trustee may require the authority to sign to be produced for his inspection.

Certificate to be signed by witness of creditor blind or incapable of filling up the above proxy.

I, _____, of _____, hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the abovenamed _____, and in his presence before he attached his signature [or mark] thereto.

No. 24.

VOTING LETTER UNDER SECT. 19 (2) TO BE ATTACHED TO NOTICE OF SECOND MEETING.

Re _____ Address _____
Date _____

SIR, I REQUEST you to record my vote for [or against] the above proposed composition [or scheme of arrangement] in the said matter.

(Signed) J.S.

Signature of witness.
Address.

To the Official Assignee of the estate of

N.B.—This form of voting letter must be sent in so as to reach the Official Assignee not later than the day before the meeting.

No. 25.

ADVERTISEMENT NOTICE TO CREDITORS OF FIRST MEETING.

(Title.)

(Under sequestration order dated the _____ day of _____, 188____.)
Notice is hereby given, that the first meeting of creditors in the above matter will be held at _____ on the _____ day of _____, 188____, at _____ o'clock in the _____ noon.

To entitle you to vote thereat your proof must be lodged with the Registrar not later than 10.30 o'clock on the _____ day of _____, 188____.

G.H.,
Official Assignee.

Registrar.

No. 26.

AFFIDAVIT BY SPECIAL MANAGER.

I, _____ of _____, make oath and say as follows:—

1. The account hereunto annexed marked with the letter A, produced and shown to me at the time of swearing this my affidavit, and purporting to be my account as special manager of the estate or business of the above-named debtor, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use or account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained according to the best of my knowledge and belief.

Sworn, &c.

No. 27.

APPLICATION FOR DIRECTIONS BY OFFICIAL ASSIGNEE OR TRUSTEE.
(Title.)

I desire to make application for directions [here state the particular matter in relation to which they are sought].

Official Assignee or Trustee.

Let this application be heard on the day of at o'clock in the noon, and let the trustee give notice to [here insert the persons to whom it is to be given].

Dated this day of 188 .

Registrar.

No. 28.

ORDER ON APPLICATION OF OFFICIAL ASSIGNEE OR TRUSTEE FOR DIRECTIONS.
(Title.)

Whereas A.B., the Official Assignee or trustee of the property of the bankrupt, has applied for directions [here state the particular matter in relation to which they are sought]. Now upon hearing, on the matter, it is ordered [here set out the order].

Dated this day of 188 .

No. 29.

AFFIDAVIT VERIFYING TRUSTEE'S ACCOUNT.
(Title.)

I, G.H., of , the trustee of the property of the abovenamed bankrupt, make oath and say:

That **the account hereunto annexed marked B. contains a full and true account of my receipts and payments on account of the bankrupt's estate from the day of to the day of inclusive, *and that I have not, nor has any other person by my order or for my use during such period, received any moneys on account of the said estate *other than and except the items mentioned and specified in the said account.*

Sworn at, &c.

* NOTE.—If no receipts or payments strike out the words in italics.

No. 30.

ORDER ON APPLICATION TO APPROVE COMPOSITION.
(Title.)

On the application of , and on reading the report of the Official Assignee filed on the day of , and hearing the Official Receiver and , and being satisfied that the creditors in the above matter have duly accepted and approved a composition [or scheme] in the following terms, namely here insert terms if short; if not, insert "in the terms contained in the paper writing marked A. annexed hereto", *and being satisfied that the said terms are reasonable and calculated to benefit the general body of creditors, and being satisfied that the case is one on which this Court would not be required if the debtor were adjudged bankrupt to refuse a certificate of discharge, the said composition [or scheme] is hereby approved.

* This part of the Form to be adapted to each particular case. and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors, and being satisfied that the case is one in which this Court would be required, if the debtor were adjudged bankrupt, to refuse his certificate of discharge [or that facts have been proved that would under the Act justify this Court in refusing, qualifying, or suspending the debtor's discharge], I hereby refuse to approve the said composition [or scheme].

Dated this day of 188 .

Judge in Bankruptcy.

No. 31.

APPLICATION FOR ENFORCEMENT OF PROVISIONS IN A COMPOSITION.

In the matter of composition made by A.B., of I, F.M., of , do apply to this Court for an order for the enforcement of the provisions of the said composition against , on the grounds set forth in the annexed affidavit.

Dated this day of 188 .

F.M.

No. 32.

NOTICE TO BANKRUPT UNDER SECT. 61.
(Title.)

To A.B.

Take notice that I intend to apply to this Court on the day of 188 , at o'clock in the noon, for an order under section 61 of the Bankruptcy Act, 1887, for the payment of a part of your salary [or income] to me as trustee for the benefit of the creditors under your bankruptcy.

You are at liberty to show cause why the order applied for should not be made.

Dated this day of 188 .

G.H., Official Assignee, Trustee.

No. 33.

ORDER SETTING ASIDE PAY, SALARY, ETC., UNDER SECT. 61 (1).
(Title.)

Whereas it appears that the said bankrupt is [or, here state what the bankrupt is], and as such is in the enjoyment of the annual pay [or salary] of pounds; and whereas upon the application of G.H. of the Official Assignee or trustee of the property of the bankrupt, it appears just and reasonable that the annual sum of pounds, portion of the said pay [or salary] ought to be paid to the said Official Assignee or trustee during the bankruptcy, in order that the same may be applied in payment of the debts of the said bankrupt, and that such payment ought to be made out of the first moneys which shall be due after the day of 188 , and be continued until this Court shall make order to the contrary: it is ordered, with the written consent of [here insert the official title of the chief officer of the department under which the pay or salary is enjoyed], that such portion of the [here insert pay or salary] shall be paid to the trustee accordingly.

Dated this day of 188 .

Judge in Bankruptcy.

I consent to the above order.

Dated this day of 188 .

F.K. [add title and office].

No. 34.

ORDER SETTING ASIDE SALARY OR INCOME, ETC., UNDER SECT. 61 (2).
(Title.)

Whereas it having been made to appear to this Court that the bankrupt is in the receipt of [or entitled to] a salary [or income, half-pay, pension, or compensation granted by the Treasury, as the case may be] of about pounds, as [here set forth the circumstances under which the salary or income is received]: And whereas upon the application of the Official Assignee or trustee of the property of the bankrupt, and upon hearing the bankrupt, it appears just and reasonable that the annual sum of pounds, portion of the said salary [or income, &c.] ought to be paid by the bankrupt by monthly [or quarterly] payment [according as the bankrupt receives his salary or income, &c.] to the Official Assignee or trustee during the bankruptcy, in order that the same may be applied in payment of the debts of the said bankrupt, and that the first of such payments ought to be made on the day of 188 , and be continued monthly [or quarterly] until this Court shall make order to the contrary: it is ordered that the said sum shall be paid by in manner aforesaid out of the bankrupt's said salary [or income, &c.].

Dated this day of 188 .

Judge in Bankruptcy.

No. 35.

SEARCH WARRANT.
(Title.)

Whereas by evidence duly taken upon oath it hath been made to appear to this Court that there is reason to suspect and believe that property of the said debtor is concealed in the house [or other place, describing it, as the case may be] of one X.M., of , in the county of , such house [or place] not belonging to the said debtor.

These are therefore to require you to enter in the daytime into the house [or other place, describing it] of the said X.M. situate at aforesaid, and there diligently to search for the said property, and if any property of the said debtor shall be there found by you on such search, that you seize the same, to be disposed of and dealt with according to the provisions of the Bankruptcy Act, 1887.

Dated this day of 188 .

Judge in Bankruptcy.

To the Sheriff [or A.B. Sheriff's officer].

No. 36.
WARRANT OF SEIZURE.
(Title.)

Whereas on the day of 188 , a sequestration order was made against the said bankrupt:—These are therefore to require you forthwith to enter into and upon the house and houses, and other the premises of the said bankrupt, and also in all other place and places belonging to the said bankrupt where any of his goods and moneys are, or are reputed to be: and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of accounts, and all other things whatsoever, belonging to the said bankrupt, except his necessary wearing apparel, bedding, and tools, as excepted by the Bankruptcy Act, 1887.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal thereof from the [Official Assignee or trustee]; and in case of resistance or of not having the key or keys of any door or lock of any premises belonging to the said bankrupt where any of his goods are or are suspected to be, you shall break open, or cause the same to be broken open for the better execution of this warrant.

Dated this day of 188 .

Judge in Bankruptcy.

To the Sheriff [or A.B. Sheriff's officer].

No. 37.
SUMMONS UNDER SECTION 30.
(Title.)

To , of
You are hereby required to attend at the Court of , holden at on the day of 188 , at o'clock in the noon, to give evidence in the above matter, and then and there to have and produce*

hereof if you fail, having no lawful impediment to be then made known to the Judge, and allowed by it, the Judge may by warrant cause you to be apprehended and brought up for examination.

Dated this day of 188 .
Registrar.

NOTE.—This summons is issued on the application of the Official Assignee [or trustee], and take notice, that if the sum of £ , stated to be due by you to this estate, be paid to , Official Assignee, at , on or before the day of , this summons will be discharged.

*State any particular documents required; e.g., all ledgers and books of account, invoices, statements of account, letters, books, papers, and documents of every kind, in any manner relating to your dealings and transactions with A.B., a bankrupt, touching a debt alleged to be due by you to the said bankrupt's estate amounting to the sum of £ .

No. 38.
NOTICE OF APPLICATION FOR COMMITMENT UNDER SECTION 19.
(Title.)

To
Take notice that C.D., of , will on the day of 188 , at o'clock in the noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having disobeyed the order of this Court made on the day of 188 [here set out order]. And further take notice that you are required to attend the Court on such day at the hour before stated, to show cause why an order for your committal should not be made.

Dated this day of 188 .

Registrar.

No. 39.
ORDER OF COMMITMENT UNDER SECTION 19.
(Title.)

Whereas by an order of this Court made on the day of 188 [here recite the order]. Now upon the application of C.D., of , and upon hearing A.B. (or, as the case may be), [or if he does not appear] reading the affidavit of [here insert name and description of person by whom the order was served on A.B.], and upon reading the affidavit of [enter evidence], this Court being of opinion that the said A.B. has been guilty of a contempt of this Court by his disobedience of the said order, it is ordered that the said A.B. do stand committed to [here insert prison] for his said contempt.

Dated this day of 188 .

Judge in Bankruptcy.

No. 40.
ORDER TO POSTMASTER-GENERAL UNDER SECTION 26.
(Title.)

Upon the application of G.H., of , the Official Assignee [or the trustee] of the property of the above debtor, it is ordered that for a period of three months from [here insert the date] all post letters directed or addressed to the said debtor at [here insert the full address or addresses] shall be redirected, sent, or delivered by the Postmaster-General or officers acting under him to the said Official Assignee [or trustee] at [or otherwise, as the Judge may direct], and that a sealed duplicate of this order be forthwith transmitted by the [Official Assignee] trustee to the Postmaster-General, or officers acting under him.

Dated this day of 188 .

Judge in Bankruptcy.

FREDK. M. DARLEY, C.J.
W. C. WINDEYER, J.
WM. OWEN, J.
GEORGE HIBBERT DEFFELL, J.

25th January, 1888.

1887-8.

NEW SOUTH WALES.

ADDITIONAL RULES OF THE SUPREME COURT.

(IN BANKRUPTCY JURISDICTION.)

Presented to Parliament, pursuant to Act 51 Vic. No. 19.

In the Supreme Court of New South Wales.

ADDITIONAL General Rules of Court, made on the 18th day of July, 1888, pursuant to section 119 of Bankruptcy Act, 1887.

It is ordered that the following Rules come into operation on Tuesday, the 31st day of July instant:

1. A warrant under section 28 (1) may be addressed to the person holding, for the time being, the office of "Bailiff and Messenger" in the Bankruptcy Division of the Supreme Court; and so also under Orders, made in pursuance of sections 59 and 60.

2. Every Official Assignee in Bankruptcy shall, upon his appointment, give security to the amount of £2,000 by bond, guaranteed by some Insurance Company, or by two sureties, to be approved of by the Colonial Treasurer.

3. The accounts required to be sent periodically by each Official Assignee or Trustee to the Registrar, by section 94 (1), shall be so sent on the 5th day of January, April, July, and October, in each year, and shall show the transactions of such Official Assignee up to and inclusive of the last day of the previous month, and shall be in the form appended to these rules.

4. The Annual Statement required by section 97 (1) to be transmitted to the Judge in Bankruptcy by every Official Assignee or Trustee, shall be so transmitted on the 5th day of January in each year, and shall show all proceedings up to and inclusive of the 31st day of December of the previous year; and such Annual Statement shall be made out in form similar to that required by the previous rule.

FREDK. M. DARLEY, C.J.
 W. C. WINDEYER, J.
 WM. OWEN, J.
 GEORGE HIBBERT DEFFELL, J.

FORM under section 94 (1), and rule 3 of day of 1888.

No.	Name.	Gross amount realized during the Quarter.	Amount paid to Registrar in Bankruptcy under section 98(2).	Amount authorized to be retained under section 98(4).	Amount received from Registrar under section 98 (5), and rule 142.	Amounts paid							Balance in Bankruptcy Estate Account.
						For auction charges.	For Court fees.	For per-centage.	For law costs.	For com-mission.	For rent & other ex-penses.	For divi-dends.	

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.**NEW SOUTH WALES.**

BANKRUPTCY BILL.

(MESSAGE No. 2.)

Ordered by the Legislative Assembly to be printed, 28 September, 1887.

CARRINGTON,

*Governor.**Message No. 2.*

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to amend and consolidate the law relating to Insolvency and Bankruptcy, and to provide for the due collection, administration, and distribution of Insolvent and Bankrupt Estates, and for the prevention of frauds affecting the same.

*Government House, Sydney,**28th September, 1887.*

1887-8.

NEW SOUTH WALES.

BANKRUPTCY ACT, 1887.

(REGULATIONS UNDER.)

Presented to Parliament, pursuant to Act 51 Vic. No. 19, sec. 137.

In the Supreme Court of New South Wales in Bankruptcy.

Wednesday, 11 April, A.D. 1888.

REGULATIONS.

WHEREAS by the 137th section of the Bankruptcy Act of 1887 it is enacted "Every Official Assignee or Trustee shall out of every estate being administered after the passing of this Act pay into the Colonial Treasury towards the expenses of administering this Act such sum not less than one-eighth of a pound, or not exceeding four (4) pounds per centum on the gross produce from time to time of any such estate, and a scale within the limits aforesaid and the time of payment shall be fixed and varied from time to time by any regulations by the Judge in Bankruptcy with the approval of the Colonial Treasurer, and such regulations with the approval thereof shall be submitted to Parliament."

Now therefore I, the undersigned, being the Judge in Bankruptcy under the said Act, do fix, with the approval of the Colonial Treasurer, as testified by this signature appended hereto, the scale of percentage for the current year at the amount named in the said recited section, that is to say, four (4) pounds per centum on the gross produce of any such estate, and that the times for payment be fixed for the first day of July next and the thirty-first day of December of this year.

G. HIBBERT DEFFELL,
Judge in Bankruptcy,

Approved.—J. F. BURNS, Colonial Treasurer.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUPREME COURT APPEALS ACT AMENDMENT BILL.

(MESSAGE No. 6.)

Ordered by the Legislative Assembly to be printed, 10 November, 1887.

CARRINGTON,
Governor.

Message No. 6.

In accordance with the provisions contained in the 54th section of the Constitution Act the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to amend and extend the provisions of the "Supreme Court Appeals Act of 1887."

*Government House,
Sydney, 9th November, 1887.*

1887-8.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(ANNUAL RETURNS UNDER 103RD SECTION OF.)

Presented to Parliament, pursuant to Act 22 Vic. No. 18, sec. 103.

METROPOLITAN AND HUNTER DISTRICT.

SYDNEY.	NEWCASTLE.
CAMPBELLTOWN.	MAITLAND.
WINDSOR.	SINGLETON.
PARRAMATTA.	MUSWELLBROOK.
PENRITH.	SCONE.

SOUTHERN DISTRICT.

GOULBURN.	COOMA.
YASS.	BOMBALA.
WOLLONGONG.	EDEN.
KIAMA.	BEGA.
NOWRA.	BRIDWOOD.
MILTON.	MORUYA.
QUEANBEYAN.	MOSS VALE.
GUNNING.	

SOUTH-WESTERN DISTRICT.

GRENFELL.	NARRANDERA.
YOUNG.	DENILQUIN.
GUNDAGAL.	BURROWA.
TUMUT.	COOTAMUNDRA.
WAGGA WAGGA.	HAY.
ALBURY.	TEMORA.
COROWA.	

WESTERN DISTRICT.

DUBBO.	COWRA.
WELLINGTON.	BATHURST.
ORANGE.	MOLONG.
FORBES.	MUDGEE.
CARCOAR.	LITHGOW.
MERRIWA.	WARREN.

NORTHERN DISTRICT.

TAMWORTH.	INVERELL.
ARMIDALE.	TENTERFIELD.
GLEN INNES.	EMMAVILLE.
CASINO.	BINGERA.
KEMPSEY.	WARRIALDA.
PORT MACQUARIE.	LISMORE.
MACLEAN.	TAREE.
GRAFTON.	MOREE.

NORTH-WESTERN DISTRICT.

COONABARABRAN.	WALGETT.
COONAMBLE.	BALRANALD.
BOURKE.	WENTWORTH.
WILCANNIA.	HILLSTON.
MURRURUNDI.	COBAR.
NARRABRI.	MENINDIE.
GUNNEDAH.	SILVERTON.

OF 1858—(22 Victoria, No. 18.)

SYDNEY, during the twelve months preceding 1st March, 1888, as required by the 103rd section said Act.

Commenced.	Settled.	Tried.	Number of Cases for Plaintiff.	Number of Cases for Defendant.	Number of Cases in Arrears.	Number of Cases tried by Jury.	Number of Cases settled by Arbitration.	Number of Cases tried without Jury.
5,426	2,559	2,542	2,371	171	325	13	Nil.	2,529
Amount sued for.	Rehearing of Cases of Judgment by default, in consequence of Defendant's absence.	Number of New Trial Motions.	Number of New Trials granted.	Grounds on which New Trials granted.	Number of Appeals to the Supreme Court.	Number of Interpleader Suits.	Number of Issues from Supreme Court.	
£ s. d. 127,148 5 11	27	12	3	2 Against weight of evidence. 1 Defendant absent.....	12	61	11	

required by the aforesaid Act, so far as we are able to set forth,—

J. A. LUCAS,
WM. JOHN HALLORAN,
Registrars.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at ALBURY, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	62	1,457 18 6	23	...	39	1	38	32	7	32 2 0	}	}	}	}	Albury ...	}	}	}	}	}	
Promissory Notes	39	1,468 9 4	15	...	24	1	23	24	...	26 18 6											
Rent	2	68 0 0	2	...	...	...	...	...	...	1 10 0					
Board and Lodging	1	11 15 7	1	...	...	...	...	...	...	0 10 0					
Trespass on Land	1	20 0 0	...	...	1	...	1	1	...	0 14 0									
Trespass on Person	2	250 0 0	...	...	2	1	1	1	1	2 0 0									
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	4	80 3 4	3	...	1	1	...	1	...	2 0 0											
Wages, Work, and Labour	15	443 19 2	3	...	12	1	11	12	...	9 15 0											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	4	74 0 3	...	...	4	...	4	3	1	2 0 0									
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader	2	205 4 6	...	...	2	...	2	1	1	...									
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	6	705 0 0	2	...	4	4	...	3	1	6 0 6											
Totals	138	4,784 10 8	49	...	89	9	80	78	11	83 10 0						6	2				

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

T. W. WILKINSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BALRANALD, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.				
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.			
																	Days.	Hours.						
		£ s. d.								£ s. d.														
Goods sold	6	275 16 11	5	...	1	1	...	4 15 9	Balranald.	{	1887.	10 May...	...	3	2			
Promissory Notes .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Rent .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Illegal Distraint.....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Trover .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Breach of Contract .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Wages, Work, and Labour	1	90 8 4	1	...	...	...	...	...	...	1 1 0	...	.....	.....	...						
Libel, Slander, and Defamation .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Commission on Agency.....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Money lent.....	1	198 5 2	...	...	1	...	...	...	...	1 9 6	...	.....	.....	1	
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Consent Jurisdiction.....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...
Causes of Action not specified above.....	1	12 0 0	1	...	...	...	...	...	...	0 13 6	...	.....	.....	...						
Totals	9	576 10 5	7	...	2	1	...	7 19 9	1										
																						5	...	

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

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BEGA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	56	1,219 15 7	27	...	29	...	29	29	...	102 9 10	Bega	1887. 4 Mar.... 4 July... 3 Nov....	1 1½ 1					
Promissory Notes.....	36	1,411 3 1	19	...	17	1	16	16	1	68 7 2	...	...	...					
Rent	3	83 0 0	3	...	...	...	...	...	...	5 11 2	...	...	...					
Board and Lodging	4	187 8 6	2	...	2	...	2	1	1	9 8 4	...	...	...					
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover	2	230 0 0	...	...	2	2	...	1	1	1 10 2	...	...	...					
Breach of Contract	1	20 0 0	...	1	...	...	...	...	...	2 3 2	...	...	...					
Wages, Work, and Labour	25	266 1 10	20	...	5	...	5	4	1	24 12 2	...	...	...					
Libel, Slander, and Defamation	3	600 0 0	1	...	2	2	...	1	1	9 11 6	...	...	...					
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	5	275 16 3	3	...	2	...	2	2	...	9 18 0	...	...	...					
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements	2	35 0 0	1	...	1	...	1	...	1	1 2 0	...	...	...					
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	1	7 0 0	...	...	...	...	...	...	...	0 9 6	...	...	1
Totals	138	4,335 5 3	76	1	60	5	55	54	6	235 3 0	1								

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

JOHN DAVIS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BINGERA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrear	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced	Total Amount sued for	Without hearing	Arbi-tration	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date	Duration.		Motions for New Trials		New Trials granted
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	10	150 1 6	2	...	8	...	8	8	...	4 9 0	Bingera ...	{	1887.	21 Mar...	19 Sept.	
Promissory Notes	2	27 10 0	...	...	2	...	2	2	...	1 0 0	...	...	...					
Rent ..	2	9 10 0	...	...	2	...	2	2	...	0 9 6	...	...	...					
Board and Lodging ...		..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....			..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	...		..	..	..	..	..	..	..	..	..	..	..
Illegal Distringment .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour . .	2	14 18 0			2		2	2		0 13 6											
Libel, Slander, and Defamation	..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock	1	12 0 0			1		1	1		0 10 0											
Money lent .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above--unsatisfied judgment	1	33 2 5								1 0 0			1								
Totals	18	247 1 11	2		15	..	15	13	2	8 2 0	1							

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

CORBETT LAWSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOMBALA, during the Twelve Months preceding the 1st of March, 1898, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	20	461 4 1	2	...	16	...	16	16	...	40 14 1	2	Bombala.....	1887. { 7 April .. 9 July ... 8 Dec. ...	1	1	1		
Promissory Notes	15	620 3 8	5	...	9	...	9	9	...	25 4 8	...	...	...	1				
Rent .....				...		...			...		...	...	...
Board and Lodging	1	12 10 6	1	...		...			...	0 12 0	...	...	...					
Trespass on Land .....				...		...			...		...	...	...
Trespass on Person	1	20 0 0		...	1	...	1	1	...	8 14 8	...	...	...					
Illegal Distraint .....				...		...			...		...	...	...
Trover.....				...		...			...		...	...	...
Breach of Contract	1	5 0 0	1	...		...			...	0 4 6	...	...	...					
Wages, Work, and Labour	4	146 3 2		...	4	1	3	3	1	32 2 8	...	...	...					
Libel, Slander, and Defamation	1	200 0 0	1	...		...			...	1 1 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	2	240 0 0		...	2	1	1	2	...	15 4 8	...	...	...					
Totals	45	1,705 1 5	10	...	32	2	30	31	1	123 18 3	3							

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

W. A. DOVERS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOURKE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

932-B

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.					
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.				
																	Days.	Hours.							
Goods sold.....	26	£ 621 3 8	14	...	10	...	10	10	...	£ 51 18 8	...	.....	.....	} Bourke	} 1887. 29 June... 2 Nov.... 1888. 20 Feb....	} ...	} 4½	} 2	}						
Promissory Notes	17	1,207 11 1	8	...	9	...	9	9	...	50 16 11	...	.....	.....							...	...	...	...	...	...
Rent	2	52 0 0	1	...	1	...	1	1	...	6 16 6	...	.....	.....							...	...	...	...	...	...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...	...	...	...	...	...
Trespass on Land	1	100 0 0	...	...	1	...	1	1	...	2 8 10	...	.....	.....							...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...	...	...	...	...	...
Breach of Contract	3	170 4 9	1	...	2	...	2	1	1	19 8 8	...	.....	.....							...	...	...	...	...	...
Wages, Work, and Labour	8	253 18 7	6	...	2	...	2	2	...	17 6 0	...	.....	.....							...	...	...	...	...	...
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...	...	...	...	...	...
Commission on Agency	2	16 12 10	1	...	1	...	1	1	...	0 16 0	...	.....	.....							...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...	...	...	...	...	...
Money lent.....	3	184 1 8	2	...	1	...	1	...	1	8 8 2	...	.....	.....							...	...	...	...	...	...
Partnership	1	116 15 3	1	...	...	...	...	...	...	2 8 10	...	.....	.....							...	...	...	...	...	...
Interpleader	1	75 17 7	...	...	1	...	1	1	...	11 11 3	...	.....	.....	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...
Causes of Action not specified above	2	40 15 2	2	...	...	...	...	...	...	3 18 0	...	.....	.....	...	...	...	...	...	...
Totals.....	66	2,839 0 7	36	...	28	...	28	25	3	175 17 10	...	.....	.....	2	...	...	10½	...	...				

6

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

VINCENT BROWN,
Registrar, District Court.

745

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BRAIDWOOD, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	10	283 7 7	4	...	6	...	6	6	...	11 15 0											
Promissory Notes.....	3	95 1 6	1	...	2	...	2	2	...	1 7 5											
Rent.....				...		...			...						
Board and Lodging.....				...		...			...						
Trespass on Land.....	3	49 0 0	2	...	1	...	1	1	...	2 9 6											
Trespass on Person.....				...		...			...						
Illegal Distraint.....				...		...			...						
Trover.....				...		...			...						
Breach of Contract.....				...		...			...						
Wages, Work, and Labour.....	2	119 1 9	1	...	1	1	...	1	...	2 8 6											
Libel, Slander, and Defamation.....				...		...			...						
Commission on Agency.....				...		...			...						
Sales of Live Stock.....				...		...			...						
Money lent.....	2	58 8 0		...	2	...	2	1	1	1 12 0											
Partnership.....				...		...			...						
Interpleader.....				...		...			...						
Intestacy.....				...		...			...						
Legacy.....				...		...			...						
Possession of Tenements.....				...		...			...						
Replevin.....				...		...			...						
Consent Jurisdiction.....				...		...			...						
Causes of Action not specified above.....				...		...			...						
Totals.....	20	604 18 10	8	...	12	1	11	10	2	19 12 5											

Braidwood { 1887.
25 Mar. ... 1
12 Aug. ... 1
15 Dec. ... 1

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

C. E. OSLEAR,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at BURROWA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.				
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.					
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold	10	264 16 3	6	...	4	...	4	3	1	10 19 0															
Promissory Notes	5	130 9 7	2	...	3	...	3	3	...	5 8 0															
Rent	3	22 15 8	2	...	1	...	1	1	...	1 5 6															
Board and Lodging .....				...		...													
Trespass on Land .....				...		...													
Trespass on Person .....				...		...													
Illegal Distraint .....				...		...													
Trover .....				...		...													
Breach of Contract	2	83 0 0		...	2	...	2	1	1	2 16 0															
Wages, Work, and Labour	3	142 14 0	2	...	1	...	1	...	1	4 4 0					Burrowa	1887.									
Libel, Slander, and Defamation	1	100 0 0		...	1	...	1	...	1	2 1 0						May 28...	1								
Commission on Agency .....				...		...										Sept. 24..	1							
Sales of Live Stock .....				...		...										1888.								
Money lent	7	56 1 0	2	...	5	...	5	5	...	7 18 6						Jan. 23...	1								
Partnership .....				...		...													
Interpleader .....				...		...													
Intestacy .....				...		...													
Legacy .....				...		...													
Possession of Tenements .....				...		...													
Replevin .....				...		...													
Consent Jurisdiction .....				...		...													
Causes of Action not specified above	6	193 11 10	3	...	3	...	3	3	...	6 1 0															
Totals	37	993 8 4	17	...	20	...	20	16	4	40 13 0															

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

W. J. E. WOTTON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at CAMPBELLTOWN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	46	919 14 10	23	...	21	...	21	19	2	72 18 0	2	Campbell-town.	1887. 17 May. 18 Oct. 1888. 21 Feb.	...	9½ 6 3			
Promissory Notes	9	369 12 4	4	...	5	...	5	5	...	18 9 10	...	.....	.....	...			
Rent	1	44 12 6	...	...	1	...	1	1	...	7 7 2	...	.....	.....	...			
Board and Lodging.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Person.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Wages, Work, and Labour	9	119 12 1	4	...	5	...	5	3	2	17 7 8	...	.....	.....	...			
Libel, Slander, and Defamation .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock.....	1	28 17 11	...	...	1	...	1	1	...	1 15 0	...	.....	.....	...			
Money lent	3	82 1 6	2	...	1	...	1	1	...	6 10 0	...	.....	.....	...			
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	6	184 7 0	2	...	3	...	3	1	2	16 3 4	...	.....	.....	1				
Totals.....	75	1,778 18 2	35	...	37	...	37	31	6	140 11 0	3	...	18½					

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

WATTERUS BROWN,
Acting Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at CARCOAR, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	15	250 11 6	13	...	2	...	2	1	1	29 7 10											
Promissory Notes	5	211 11 3	4	...	1	...	1	1	...	12 18 0											
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	2	100 0 0	...	...	2	1	1	2	...	31 19 6										
Wages, Work, and Labour	5	132 17 8	2	...	3	...	3	2	1	51 8 6											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency	1	30 0 0	...	...	1	...	1	1	...	13 4 6										
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	1	60 0 0	...	...	1	...	1	1	...	9 12 10										
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	4	280 16 6	2	...	2	1	1	1	1	23 2 6											
Totals	33	1,065 16 11	21	...	12	2	10	9	3	171 13 8											

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

W. B. WARNER,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at CASINO, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	92	2,416 8 0	42	...	33	...	33	32	1	136 0 6	17	Casino.....	{	1887. 26 July.	1	4		
Promissory Notes.....	33	1,292 8 3	16	...	13	...	13	...	...	61 12 6	...	.....	.....	4		
Rent.....	3	95 6 10	2	...	1	...	1	1	...	5 10 8	...	.....	.....	...			
Board and Lodging.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Person.....	1	100 0 0	...	...	1	...	1	1	...	2 8 10	...	.....	.....	...			
Illegal Distraint.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover.....	1	80 0 0	...	...	...	...	...	...	...	1 8 10	...	.....	.....	1
Breach of Contract.....	2	225 0 0	...	...	1	...	1	1	...	21 4 6	...	.....	.....	1		
Wages, Work, and Labour.....	3	54 2 9	...	...	2	...	2	2	...	2 2 0	...	.....	.....	1		
Libel, Slander, and 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.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Totals.....	135	4,273 5 10	60	...	51	...	51	50	1	230 7 10	24							

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

M. M. CAMPBELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COBAR, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.		
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.			
																	Days.	Hours.					
		£ s. d.								£ s. d.													
Goods sold	17	572 19 6	3	...	13	...	13	13	...	54 1 10	1	Cobar.....	{	1887.	11 May	5½	1	1	Verdict against weight of evidence.
Promissory Notes	8	312 0 1	3	...	5	...	5	5	...	23 4 4	...	.....	.....	2						
Rent .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Board and Lodging	2	41 17 9	...	...	...	...	...	...	...	...	...	.....	.....	2
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	2
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	2
Breach of Contract	2	205 0 0	...	...	2	1	1	2	2	23 16 4	...	.....	.....	2				
Wages, Work, and Labour	6	230 13 8	1	...	3	1	2	3	...	24 3 4	...	.....	.....	2						
Libel, Slander, and Defamation..	1	200 0 0	...	...	...	...	...	...	...	...	...	.....	.....	1
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Money lent.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Partnership	2	400 0 0	...	...	2	...	2	1	1	26 17 6	...	.....	.....	2				
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	1
Causes of Action not specified above	2	47 1 9	...	...	2	...	2	2	...	15 9 6	...	.....	.....	1				
Totals.....	40	2,009 12 9	7	...	27	2	25	24	3	177 12 10	6					15	1	1		

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

THOMAS C. K. M'KELL,
Registrar, District Court

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COOMA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.											
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials		New Trials granted										
																	Days.	Hours.													
		£ s. d.								£ s. d.																					
Goods sold	35	620 9 1	14	...	20	...	20	19	1	62 18 6	...	.....	.....	1	Cooma ...	1887. { 1 April... 8 Aug ... 3 Dec ...	2	13	6	11½	...	...	Absence of Defendant.								
Promissory Notes	18	894 6 9	2	...	16	...	16	15	1	71 18 2	...	.....	.....	...							...	...		...	...	...	...	...	...
Rent	1	12 10 0	1	...	...	...	...	...	...	...	...	.....	.....	...							...	...		...	...	...	...	...	...	...
Board and Lodging	2	40 16 6	...	...	2	...	2	2	...	8 8 0	...	.....	.....	...							...	...		...	...	...	...	...	...	...
Trespass on Land	4	700 0 0	1	...	3	...	3	3	...	8 8 0	...	.....	.....	...							...	...		...	...	...	...	...	...	...
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Illegal Distrain.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Trover.....	2	40 0 0	...	...	2	...	2	2	...	18 12 8	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Breach of Contract	3	440 0 0	...	...	3	...	3	1	2	38 12 10	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Wages, Work, and Labour	8	173 8 8	2	...	6	2	4	5	1	36 10 0	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	...	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Commission on Agency	1	20 7 6	...	...	1	...	1	1	...	15 8 6	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Sales of Live Stock	3	44 2 0	...	...	3	...	3	3	...	35 17 0	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Money lent.....	8	166 16 3	4	...	4	...	4	3	1	20 8 2	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							...	...		...	...	...	...	...	...	...	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	40	723 7 0	26	...	14	...	14	13	1	72 2 6	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...
Totals	126	4,076 3 9	51	...	74	2	72	67	7	389 4 4	...	.....	.....	1	...	...	5	30½	2	1	...	...	...	...			

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

M. S. LOVE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COONABARABRAN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced	Total Amount sued for.	Without hearing.	Arbi-triation.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	5	61 3 6	1	...	2	...	2	2	...	6 16 8	2	Coonabarabran	1887.	26 Mar...	...	2		
Promissory Notes	3	107 3 7	1	...	1	...	1	1	...	4 7 4	...	...	...	1				
Rent .....				...		...			...		...	...	...
Board and Lodging .....				...		...			...		...	...	...
Trespass on Land .....				...		...			...		...	...	...
Trespass on Person .....				...		...			...		...	...	...
Illegal Distraint .....				...		...			...		...	...	...
Trover .....				...		...			...		...	...	...
Breach of Contract .....				...		...			...		...	...	...
Wages, Work, and Labour	1	10 0 0		...	1	...	1	1	...	0 13 0	...	...	...					
Libel, Slander, and 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 .....				...		...			...		...	...	...
Totals	9	178 7 1	2	...	4	...	4	4	...	11 17 0	3							

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

F. W. EDWARD,
Registrar, District Court.

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RETURN of the Number and Particulars of Suits commenced in the District Court holden at COONAMBLE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	25	480 7 4	13	...	12	...	12	10	2	42 17 4	}										
Promissory Notes	5	83 3 1	4	...	1	...	1	1	...	6 1 8											
Rent	1	16 5 0	1	...	...	...	...	...	...	1 11 0											
Board and Lodging	2	19 6 0	1	...	1	...	1	1	...	4 2 2											
Trespass on Land	1	10 0 0	1	...	...	...	...	...	...	0 9 0											
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distrainment .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour	2	85 5 7½	1	...	1	...	1	...	1	11 10 8											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent .....	...	...	...	...	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader	1	33 7 1	1	...	...	...	...	...	...	28 10 9											
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above.....	3	419 0 0	...	...	3	1	2	2	1	37 17 2											
Totals	40	1,146 14 1½	22	...	18	1	17	14	4	132 19 9											2

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

ANDREW T. COCHRANE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COOTAMUNDRA during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	20	535 8 10	2	...	16	...	16	15	1	60 10 0	2	Coota-mundra..	1887. 6 May ... 2 Sept. ... 1888. 6 Jan. ...	3	Altogether about 12 hours.	Most of the cases were under the Amended District Court Act, and, therefore, did not go before the Judge; the cases shown as being in arrear were taken under this Act, but as a defence has been filed they await hearing.		
Promissory Notes	10	707 4 10	5	...	5	...	5	5	...	29 0 0	...	.....	.....	...			
Rent	1	50 0 0	...	...	1	...	1	...	1	4 8 0	...	.....	.....	...			
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Land	1	100 0 0	...	...	1	1	...	1	...	2 9 10	...	.....	.....	...			
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Wages, Work, and Labour	1	12 18 2	...	...	1	...	1	1	...	3 9 2	...	.....	.....	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Commission on Agency	1	15 15 0	1	...	...	...	...	...	...	1 19 2	...	.....	.....	...			
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent	2	135 0 0	...	...	2	...	2	2	...	6 8 10	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	2	103 1 0	...	...	2	...	2	2	...	7 13 0	...	.....	.....	...			
Totals	38	1,659 7 10	8	...	28	1	27	26	2	115 18 0	2							

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

C. H. B. PRIMROSE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Corowa, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	2	29 11 8	1	...	1	...	1	1	...	1 0 0	}										
Promissory Notes	2	79 15 2	1	...	1	..	1	1	...	1 10 6											
Rent ..				...		...			...			
Board and Lodging .....				...		...			...			
Trespass on Land ..	1	100 0 0		...	1	...	1	1	...	14 18 0											
Trespass on Person ..				...		...			...			
Illegal Distrant .....				...		...			...			
Trover .....				...		...			...			
Breach of Contract	1	24 1 3		...	1	..	1	1	...	2 0 0											
Wages, Work, and Labour .....				...		...			...			
Label, Slander, and Defamation ..	1	200 0 0	1	..		..			...						
Commission on Agency ..				...		...			...			
Sales of Live Stock .....				...		...			...			
Money lent .....				...		...			...			
Partnership .....				...		...			...			
Interpleader .....				...		...			...			
Intestacy .....				...		...			...			
Legacy .....				...		...			...			
Possession of Tenements ..				...		...			...			
Replevin .....				...		...			...			
Consent Jurisdiction .....				...		...			...			
Causes of Action not specified above	1	11 3 3	1	...		...			...						
Totals	8	444 11 4	4		4	...	4	4		19 8 6									3½		

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

ALBERT K. BEVERIDGE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at COWRA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Commenced	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	12	183 13 4	1	...	11	...	11	11	..	20 0 0	}										
Promissory Notes	8	708 5 4	1	...	7	...	7	7	..	27 7 6											
Rent	1	32 10 0	...	...	1	...	1	...	1	11 4 2									
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	1	50 0 0	1	...	...	...	...	...	...	1 10 0					
Wages, Work, and Labour	3	55 10 0	2	...	1	...	1	1	..	29 11 6											
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	3 10 0					
Commission on Agency	2	45 16 4	1	...	1	...	1	1	...	10 9 6											
Sales of Live Stock	1	100 0 0	...	...	1	...	1	1	...	2 13 4									
Money lent .....	...	...	...	...	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	2	222 0 0	...	...	2	...	2	2	..	33 15 6									
Totals	31	1,597 15 0	7	...	24	...	24	23	1	140 1 6							2	13			

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

B. P. P. KEMP,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at DENILIQUN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.								
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted							
																	Days.	Hours.										
		£ s. d.								£ s. d.																		
Goods sold	20	326 7 5	7	...	12	...	12	10	2	26 11 10	...	...	...	2	Deniliquin	1887. 10 March 7 July... 24 Nov...	1 2 2	.	.	1†								
Promissory Notes	19	555 11 11	4	...	14	...	14	14	...	68 13 6	...	...	...	...								...	...	...	...	...	...	...
Rent	1	77 8 0	...	...	1	...	1	...	1	18 12 8	...	...	...	...								...	...	...	...	...	...	...
Board and Lodging	1	26 8 0	...	...	1	...	1	1	...	...	...	...	...	...								...	...	...	...	...	...	...
Trespass on Land	2	160 0 0	...	...	2	1	1	1	1	15 17 6	...	...	...	...								...	...	...	...	...	...	...
Trespass on Person	1	200 0 0	...	...	1	...	1	1	...	36 8 4	...	...	...	...								...	...	...	...	...	...	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Trover	1	13 5 0	...	...	1	...	1	1	...	9 15 10	...	...	...	...								...	...	...	...	...	...	...
Breach of Contract	1	200 0 0	...	...	1	...	1	1	1	...	...	...	...	...								...	...	...	...	...	...	...
Wages, Work, and Labour	4	126 8 6	2	...	2	...	2	1	1	10 17 6	...	...	...	...								...	...	...	...	...	...	...
Libel, Slander, and Defamation	1	50 0 0	...	...	1	...	1	1	...	...	...	...	...	...								...	...	...	...	...	...	...
Commission on Agency	2	43 5 0	...	...	2	...	2	1	1	19 8 6	...	...	...	...								...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Money lent	4	271 9 4	1	...	3	...	3	1	2	14 6 4	...	...	...	...								...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...								...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above.....	8	88 3 0	5	...	3	...	3	3	...	...	...	...	...	...	...	...	...	...	...	...	...
Totals	65	2,138 6 2	19	...	44	1	43	35	9	220 12 0	...	...	...	2	...	...	5	2	1	1	...							

* New trial refused. † His Honor Judge Forbes gave a verdict in this case on the 8th July, 1887, but afterwards not being satisfied that Mr. Edwards, plaintiff's attorney, had been instructed to take proceedings, or that the pro. note in question had been handed to him, he (His Honor) ordered a new trial, so that he could in the meantime communicate with the plaintiff, who was in Victoria. It was alleged by Mr. Edwards that the pro. note had been stolen from his office by the defendant. The document was not produced in Court. A verdict was finally given for plaintiff on the 24th November, 1887.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—
L. W. BROUGHTON,
 Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at DUBBO, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	60	1,356 9 4	54	...	5	...	5	5	...	78 13 7	1	1	1	Dubbo	1887. 5 May ... 3 & 4 Aug.. 17 & 18 Nov. 1888. 9 Feb.....	1	4	10	8	2	
Promissory Notes	22	806 3 2	17	...	5	...	5	5	...	41 9 10	...	.....	.....	...				
Rent	6	152 5 2	5	...	1	...	1	1	...	33 16 6	...	.....	.....	...				
Board and Lodging	4	40 16 3	2	...	2	...	2	2	...	20 19 0	...	.....	.....	...				
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Person	1	200 0 0	...	...	1	...	1	...	1	10 5 2	...	.....	.....	...				
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover	3	57 10 0	1	...	2	...	2	1	1	4 10 0	...	.....	.....	...				
Breach of Contract	2	150 0 0	...	...	2	...	2	...	2	8 5 2	...	.....	.....	...				
Wages, Work, and Labour	20	413 15 6	12	...	8	...	8	7	1	70 18 10	...	.....	.....	...				
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent	3	66 15 3	1	...	2	...	2	1	1	12 9 8	...	.....	.....	...				
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Totals	121	3,243 14 8	92	...	28	...	28	22	6	281 7 9	1	1	1								

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

M. MARTIN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at EDEN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals			Cases left in Arrear	Place, Date, and Duration of the sittings of each Court			The Number of		The grounds on which such New Trials were granted	
	Com-menced	Total Amount sued for.	Without hearing.	Arbi-tration	Tried.	By Jury.	Without Jury	For Plaintiff	For Defend ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days	Hours.			
Goods sold	2	£ s. d. 78 11 9	...	..	2	...	2	2	...	12 13 0										
Promissory Notes	2	12 13 10	2	..	..	...	..	..	...	...				
Rent	1	30 0 0	...	..	1	...	1	1	...	4 1 10										
Board and Lodging	1	1 18 0	...	..	1	...	1	1	...	0 3 6										
Trespass on Land .....	..	...	...	..	..	...	..	..	...	...	
Trespass on Person .....	..	...	...	..	..	...	..	..	...	...	
Illegal Distrant .....	..	...	...	..	..	...	..	..	...	...	
Trover .....	..	...	...	..	..	...	..	..	...	...	
Breach of Contract	1	30 0 0	..	..	1	..	1	1	..	13 7 6										
Wages, Work, and Labour ..	1	29 4 7	..	..	1	..	1	1	..	3 8 4										
Libel, Slander, and Defamation	1	200 0 0	..	..	1	1	1	1	..	17 10 10										
Commission on Agency.....	..	...	...	..	..	...	..	..	...	...	
Sales of Live Stock ..	..	...	...	..	..	...	..	..	...	...	
Money lent	1	5 13 6	...	..	1	..	1	1	..	0 8 6										
Partnership .....	..	...	...	..	..	...	..	..	...	...	
Interpleader .....	..	...	...	..	..	...	..	..	...	...	
Intestacy ..	..	...	...	..	..	...	..	..	...	...	
Legacy ..	..	...	...	..	..	...	..	..	...	...	
Possession of Tenements ..	..	...	...	..	..	...	..	..	...	...	
Replevin ..	..	...	...	..	..	...	..	..	...	...	
Consent Jurisdiction ..	..	...	...	..	..	...	..	..	...	...	
Causes of Action not specified above	..	...	...	..	..	...	..	..	...	...	
Totals	10	499 1 8	2	..	8	1	7	8	..	51 13 6				Eden	1887. 8 March 28 June 28 Oct	1 1 ...	1 1 1	1			

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

FRANK POTTS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at EMMAVILLE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

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Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals			Cases left in Arrear	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.					
	Com-menced	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant		Appeals	Judgments or Orders affirmed	Reversed.		Place.	Date.	Duration.		Motions for New Trials	New Trials granted						
																	Days.	Hours.								
Goods sold	18	£ s. d. 294 2 6½	12	...	6	..	6	6	..	£ s. d. 17 17 6	..	..	..	..	Emmaville {	1888. 11 March 6 Sept....	..	2 4	..	..				
Promi-sory Notes .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Rent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Illegal Distrant .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Breach of Contract .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Wages, Work, and Labour ...	1	18 7 0	..	..	..	..	..	..	..	..	..	..	..	1							..	..	..	..	..	..
Libel, Slander, and Defamation ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Sales of Live Stock	1	35 9 9	1	..	..	..	..	..	..	0 14 6	..	..	..	..							..	..	..	..	..	..
Money lent	1	18 7 0	1	..	..	..	..	..	..	1 4 6	..	..	..	..							..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..							..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Totals..	21	366 6 3½	14	..	6	..	6	6	..	19 16 6	..	..	..	1	..	..	..	..	..	..

25

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

EDWARD W. ROBINSON,
Registrar, District Court.

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RETURN of the Number and Particulars of Suits commenced in the District Court holden at FORBES, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits	The Number and Result of Appeals			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court			The Number of		The grounds on which such New Trials were granted	
	Commen ed	Total Amount sued for.	Without hearing	Arbitration	Tried	By Jury.	Without Jury	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed	Reversed		Place.	Date	Duration.		Motions for New Trials		New Trials granted
																	Days	Hours			
		£ s. d.								£ s. d.											
Goods sold	20	413 6 5	9	11	11	...	11	11		19 16 8											
Promissory Notes	12	382 3 6	4	8	8	...	8	8		19 2 10											
Rent	6	126 15 2	3	3	3	..	3	3		8 6 10											
Board and Lodging	2	17 15 8	2	..	..	..	..	..		2 10 6										
Trespass on Land . . . . .	...	.. .. .	..	..	..	..	..	..		..	
Trespass on Person . . . . .	...	.. .. .	..	..	..	..	..	..		..	
Illegal Distrant . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Trover . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Breach of Contract	1	40 0 0	...	1	1	..	1	1		19 1 4											
Wages, Work, and Labour	17	294 0 5	9	8	8	..	8	6		44 12 6											
Label, Slander, and Defamation . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Commission on Agency . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Sales of Live Stock . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Money lent	3	28 19 6	2	1	1	..	1	1		9 12 8											
Partnership . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Interpleader . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Intestacy . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Legacy . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Possession of Tenements	1	50 0 0	1	..	..	..	..	..		1 1 0										
Replevin . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Consent Jurisdiction . . . . .	..	.. .. .	..	..	..	..	..	..		.. .. .	
Causes of Action not specified above	5	250 13 5	2	3	3	..	3	..		30 3 4											
Totals	67	1,603 14 1	32	35	35	..	35	29		154 7 8						2	2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—
 EDMUND A. T. PERY, J.P.,
 Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GLEN INNES, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	35	688 1 5	12	...	23	...	23	23	...	86 19 8											
Promissory Notes	2	49 15 0	1	...	1	...	1	1	...	6 14 6											
Rent	4	57 2 6	1	...	3	...	3	3	...	10 6 10											
Board and Lodging .....				...		...			...			
Trespass on Land	4	190 0 0		...	4	...	2	4	...	32 0 2											
Trespass on Person .....				...		...			...			
Illegal Distraint .....				...		...			...			
Trover .....				...		...			...			
Breach of Contract	4	330 0 0		...	4	...	4	1	3	54 16 8											
Wages, Work, and Labour	10	237 5 5	2	...	8	...	8	6	2	39 8 7											
Libel, Slander, and Defamation..				...		...			...						
Commission on Agency	2	35 16 5	2	...		...			...	1 0 0										
Sales of Live Stock .....				...		...			...			
Money lent	4	193 6 0	2	...	2	...	1	2	...	10 12 2											
Partnership .....				...		...			...			
Interpleader .....				...		...			...			
Intestacy .....				...		...			...			
Legacy .....				...		...			...			
Possession of Tenements .....				...		...			...			
Replevin .....				...		...			...			
Consent Jurisdiction .....				...		...			...			
Causes of Action not specified above.....	4	41 4 10	4	...		...			...	1 16 0										
Totals	69	1,822 11 7	24	...	45	3	42	40	5	243 14 7											

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

VERE D. H. BESNARD,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GOULBURN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	98	1,468 16 4	44	1	53	...	53	50	3	85 4 10	}	}	}	}	}	}	}	}	}	}	
Promissory Notes	33	885 0 2	16	...	22	...	22	21	1	45 2 6											
Rent	3	60 10 0	2	...	1	...	1	1	...	2 8 0											
Board and Lodging	5	43 19 0	2	...	3	...	3	2	1	2 13 6											
Trespass on Land	9	440 0 0	3	...	6	2	4	5	1	13 18 0											
Trespass on Person	17	1,652 0 0	6	...	11	4	7	7	4	18 15 0											
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	11	1,381 10 0	6	...	5	1	4	3	2	9 19 6											
Wages, Work, and Labour	31	597 2 9	19	...	12	...	12	9	3	28 11 0											
Libel, Slander, and Defamation	11	1,460 0 0	3	...	8	3	5	5	3	15 0 4											
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	11	305 10 6	4	...	7	...	7	4	3	6 16 0											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	7	57 4 9	2	...	5	...	5	4	1	5 4 0											
Totals	241	8,351 13 6	107	1	133	10	123	111	22	233 12 8											

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

WM. CARSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRAFTON, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials		New Trials granted
		£ s. d.								£ s. d.											
Goods sold	123	2,184 18 4	36	...	83	...	83	79	4	153 16 2	4	Grafton ...	1887. 17 May to 18 May. } 5 Aug. to 8 Aug. } 15 Nov. to 17 Nov. } 18-8. } 16 Feb to 18 Feb. }	11-30'	10-5'	6-10'	5-5'	
Promissory Notes	53	1,663 2 11	21	...	30	...	30	29	1	139 15 3	...	.....	.....	2				
Rent	10	135 9 0	4	...	6	...	6	6	...	14 0 8	...	.....	.....	...			
Board and Lodging	3	27 5 6	2	...	1	...	1	1	...	1 12 6	...	.....	.....	...			
Trespass on Land	3	53 1 0	...	...	3	...	3	2	1	11 9 4	...	.....	.....	...			
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint.	2	150 0 0	2	...	...	...	...	...	...	3 15 0	...	.....	.....	...			
Trover	5	177 0 0	1	...	4	...	4	4	...	27 17 2	...	.....	.....	...			
Breach of Contract	2	82 19 0	...	...	2	...	2	2	...	6 4 8	...	.....	.....	...			
Wages, Work, and Labour	35	539 2 0	18	...	14	...	14	12	2	59 8 2	...	.....	.....	3				
Libel, Slander, and Defamation	3	300 0 0	3	...	...	...	...	...	...	5 12 0	...	.....	.....	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock	3	48 18 1	2	...	1	...	1	1	...	4 9 6	...	.....	.....	...			
Money lent	8	301 6 10	1	...	7	1	6	7	...	41 1 6	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader	2	41 11 11	1	...	1	...	1	1	...	11 7 6	...	.....	.....	...			
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	22	166 3 5	12	...	10	...	10	9	1	21 2 4	...	.....	.....	...			
Totals	274	5,961 7 0	103	...	162	1	161	153	9	501 11 9	9	4	8-50'					

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

WILLIAM CLARKE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRENFELL, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	8	134 3 8	6	...	2	...	2	2	...	5 9 4	}										
Promissory Notes .....	...	...	...	...	...	...	...	...	...	...	
Rent	1	165 11 7	...	...	1	...	1	1	...	23 5 2											
Board and Lodging	1	10 5 0	1	...	...	...	...	...	...	...				
Trespass on Land	1	25 0 0	1	...	...	...	...	...	...	...				
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover	2	110 5 7	1	...	1	...	1	1	...	4 2 8											
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour	4	442 10 0	1	...	3	...	3	2	1	2 8 10											
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	...				
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	1	200 0 0	1	...	...	...	...	...	...	...				
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	19	1,287 15 10	12	..	7	...	7	6	1	35 6 0				Grenfell	...	1887. 25 May... 1 1 21 Sept... 1 2 1888. 20 Jan.... 1 4	3	7			

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

W. F. ROBERTSON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GUNNEDAH, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted					
	Com-menced.	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted				
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold.....	11	179 12 1	6	...	5	...	5	4	1	41 18 3	...	.....	.....	...	Gunnedah.	1887. { 4 & 5 Mar. 26 Aug..	2 1	0½ 5	...	...	Illness.				
Promissory Notes.....	4	166 13 3	2	...	1	...	1	1	..	4 4 1	...	.....	.....	1					...	...		...	...	...
Rent .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Trover	3	51 3 0	..	...	2	...	2	..	2	8 14 6	...	.....	.....	.....					...	...		...	1	1	Illness.
Breach of Contract	2	95 0 0	1	...	1	...	1	...	1	.....	.....	.....	.....	.....					...	...		...	...	...	...
Wages, Work, and Labour	2	51 4 6	...	...	2	...	2	1	1	14 16 10	...	.....	.....	.....					...	...		...	...	...	...
Libel, Slander, and Defamation .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Money lent	2	30 15 5	1	...	1	...	1	1	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....					...	...		...	...	...	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....	...	...	...	...	...	...
Causes of Action not specified above .....	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	.....	...	...	...	...	...	...
Totals	24	574 8 3	10	...	12	...	12	7	5	69 13 8	...	.....	.....	1				3	11½	1	1				

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

W. BLIGH CONNELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at GUNNING, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

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Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.					
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.				
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold	6	133 5 5	3	...	...	...	...	3	...	5 10 0	...	.....	.....	3	Gunning ...	{ 5 March..	1	2							
Promissory Notes	2	44 6 1	1	...	1	...	...	...	...	3 12 0	...	.....	.....	...							{ 20 May...	1	2		
Rent .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Person	1	20 0 0	...	...	1	...	...	1	...	1 2 0	...	.....	.....	...							
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Wages, Work, and Labour .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Libel, Slander, and Defamation..	2	220 0 0	1	...	1	...	...	1	...	2 2 0	...	.....	.....	...							
Commission on Agency.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent.....	3	117 6 0	...	...	3	...	...	2	1	3 6 0	...	.....	.....	...							
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction.....											
Causes of Action not specified above											
Totals.....	14	534 17 6	5	...	6	7	1	15 12 0	3											

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

SEL. PEMBROOKE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at HAY, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	11	182 18 9	8	...	3	1	2	2	1	22 6 2											
Promissory Notes	7	164 9 7	5	...	2	...	2	2	...	4 9 0											
Rent.....	3	81 5 0	3	...	...	...	...	...	...	2 13 0											
Board and Lodging.....	2	32 6 4	1	...	1	...	1	1	...	4 5 0											
Trespass on Land	2	400 0 0	2	...	...	...	...	...	...	38 1 6											
Trespass on Person.....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Illegal Distraint .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Trover	1	50 0 0	1	...	...	...	...	...	...	2 12 0											
Breach of Contract.....	1	20 0 0	...	...	1	...	1	1	...	7 5 6											
Wages, Work, and Labour ...	3	71 19 9	2	...	1	1	...	...	1	30 7 10											
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	1 1 0											
Commission on Agency .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Sales of Live Stock.....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Money lent	4	91 19 1	3	...	1	...	1	1	...	3 3 6											
Partnership .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Interpleader .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Intestacy .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Legacy .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Possession of Tenements .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Replevin .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Consent Jurisdiction .....	...	.....	...	.....	.....	.....	.....	.....	.....	.....	
Causes of Action not specified above	2	200 0 0	1	...	1	1	...	...	1	4 2 0											
Totals.....	37	1,494 18 6	27	...	10	3	7	7	3	120 6 6											

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

W. CHISHOLM,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at HILLSTON during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	4	83 19 11	1	...	1	1	...	2 14 0	3	Hillston ...	1887. { 3 May ... 2 Nov ...	1	7	8		
Promissory Notes	3	270 9 2	...	...	1	...	1	1	...	3 6 6	...	.....	.....	2		
Rent .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Board and Lodging	1	29 19 11	...	...	1	1	...	...	1	0 12 0	...	.....	.....	...			
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Breach of Contract	1	112 10 0	...	...	1	...	1	1	...	1 2 0	...	.....	.....	...			
Wages, Work, and Labour	3	88 1 1	1	...	2	...	2	1	1	2 3 0	...	.....	.....	...			
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Commission on Agency.....	1	41 3 6	...	...	...	...	...	...	...	1 0 0	...	.....	.....	1
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent.....	2	216 19 8	2	...	...	...	...	...	...	1 12 0	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	5	390 3 0	1	...	3	1	2	...	3	4 6 0	...	.....	.....	1				
Totals	20	1,233 6 3	4	...	9	2	7	4	5	16 15 6	7							

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

D. G. M'DOUGALL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at INVERELL, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	37	836 15 7	26	...	10	...	10	16	1	21 10 6	...	.....	.....	1						
Promissory Notes	10	328 0 9	4	...	4	...	4	...	...	7 0 0	...	.....	.....	2						
Rent	2	43 16 0	1	...	...	...	...	...	...	1 0 0	...	.....	.....	1						
Board and Lodging	1	17 0 0	1	...	...	...	...	...	...	0 10 0	...	.....	.....	...			
Trespass on Land	1	200 0 0	...	...	1	...	1	1	...	1 0 0	...	.....	.....	...			
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Illegal Distraint.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Wages, Work, and Labour	8	165 17 6	2	...	6	...	6	5	...	4 13 6	...	.....	.....	...			
Libel, Slander, and Defamation .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent.....	5	228 18 8	3	...	1	...	1	3	...	3 3 6	...	.....	.....	1						
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above.....	14	183 15 4	3	...	8	...	8	4	...	4 19 0	...	.....	.....	3						
Totals	78	2,002 3 10	40	...	30	...	30	29	1	43 16 6	...	.....	.....	8						

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

F. S. OSBORN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at KEMPSEY, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	34	663 3 0	29	...	5	...	5	17	1	98 13 2	Kempsey...	1887. 23 May... 24 " ... 25 " ... 26 " ... 21 Nov... 22 " ... 23 " ... 24 " ... 25 " ... 26 " ...	1	7-45 8-30 0-45 6-15 8 13 6-10 11-45 12 2	
Promissory Notes	54	2,539 19 10	47	...	7	...	7	28	1	195 10 11	...	.....	.....	4				
Rent .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Person	2	400 0 0	2	...	...	...	...	...	...	3 17 8	...	.....	.....	...			
Illegal Distrain't .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract	10	1,133 4 0	6	...	4	1	3	1	3	93 0 6	...	.....	.....	...			
Wages, Work, and Labour	13	362 19 3	10	...	3	...	3	3	1	55 12 0	...	.....	.....	...			
Libel, Slander, and Defamation	2	400 0 0	2	...	...	...	...	...	...	5 2 8	...	.....	.....	1
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock	5	478 1 10	1	...	4	...	4	3	1	45 3 2	...	.....	.....	...			
Money lent	10	397 12 9	5	...	5	...	5	6	...	79 5 8	...	.....	.....	1				
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader	1	16 17 7	...	...	1	...	1	1	...	11 12 4	...	.....	.....	...			
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	20	1,281 3 8	12	...	8	...	8	8	4	146 6 2	...	.....	.....	...			
Totals	151	7,669 1 11	114	...	37	1	36	67	11	734 4 3	6	8	76-10'	1		

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

GEORGE BOILEAU,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at KIAMA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	12	290 3 10	5	...	7	...	7	7	...	37 5 10	}	}	}	}	Kiama	} 1887. 4 May.. ...	} ...	} 8	}	}	
Promissory Notes	3	90 3 1	3	...	...	...	...	...	...	5 17 8					
Rent	1	75 5 0	1	...	...	...	...	...	...	2 13 10					
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	
Trover.....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	2	90 0 0	...	...	2	...	2	1	1	13 4 10									
Wages, Work, and Labour	2	16 8 6	...	...	2	...	2	...	...	6 11 4							
Libel, Slander, and Defamation	2	400 0 0	1	...	1	1	...	1	...	18 9 0											
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock	1	51 5 0	1	...	...	...	...	...	...	2 13 10					
Money lent.....	...	...	...	...	...	...	...	...	...	...	
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin.....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	3	96 0 0	...	...	3	...	3	1	2	19 12 2									
Totals	26	1,109 5 5	11	...	15	1	14	12	3	106 8 6	...	12½									

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

HENRY CONNELL,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at LISMORE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.						
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.					
																	Days.	Hours.								
Goods sold	169	£ s. d. 3,696 18 3	26	...	137	2	135	129	8	302 14 5	...	.....	.....	Lismore... }	1887. May..... July ... Nov..... 1888. Feb.....	2½ 3½ 3 3	..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... .....	..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... .....	1	..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... .....					
Promissory Notes	78	2,366 7 9	23	...	50	...	50	49	1	120 4 1	...	.....	.....								.....	.....	.....	.....	.....	.....
Rent	19	285 3 0	11	...	8	...	8	8	...	17 19 0	...	.....	.....								.....	.....	.....	.....	.....	.....
Board and Lodging	2	24 19 0	...	...	2	...	2	2	...	1 6 0	...	.....	.....								.....	.....	.....	.....	.....	.....
Trespass on Land	6	575 0 0	...	...	6	...	6	5	1	46 10 2	...	.....	.....								.....	.....	.....	.....	.....	.....
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....								.....	.....	.....	.....	.....	.....
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....								.....	.....	.....	.....	.....	.....
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....								.....	.....	.....	.....	.....	.....
Breach of Contract	15	1,047 15 2	2	...	12	...	12	10	2	35 0 0	...	.....	.....								.....	.....	.....	.....	.....	.....
Wages, Work, and Labour	69	1,223 3 1	15	...	51	...	51	43	8	117 6 8	...	.....	.....								.....	.....	.....	.....	.....	.....
Libel, Slander, and Defamation..	6	1,200 0 0	...	...	6	1	5	5	1	27 13 2	...	.....	.....								.....	.....	.....	.....	.....	.....
Commission on Agency	2	42 19 6	...	...	2	...	2	2	...	6 11 0	...	.....	.....								.....	.....	.....	.....	.....	.....
Sales of Live Stock	3	149 15 7	...	...	2	...	2	2	...	5 7 8	...	.....	.....								.....	.....	.....	.....	.....	.....
Money lent	10	314 7 9	1	...	9	...	9	8	1	11 11 10	...	.....	.....								.....	.....	.....	.....	.....	.....
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....								.....	.....	.....	.....	.....	.....
Interpleader	6	676 4 7	2	...	4	...	4	4	...	.....	...	.....	.....								.....	.....	.....	.....	.....	.....
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....								.....	.....	.....	.....	.....	.....
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	.....	.....	.....	.....	.....	.....
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	.....	.....	.....	.....	.....	.....
Replevin	1	200 0 0	...	...	1	...	1	1	...	.....	...	.....	.....	.....	.....	.....	.....	.....	.....
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	.....	.....	.....	.....	.....	.....
Causes of Action not specified above.....	17	1,512 5 2	...	...	16	...	16	13	3	84 11 4	...	.....	.....	.....	.....	.....	.....	.....	.....
Totals	398	13,314 18 10	81	...	306	3	303	281	25	776 15 4	...	.....	.....	.....	.....	.....	.....	.....	.....

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

C. COGHLAN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at LITHGOW, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	22	312 17 11	21	...	1	...	1	1	...	20 5 0	}				Lithgow ...	1887. 22 July... 1888. 20 Jan...					
Promissory Notes	3	91 10 2	3	...	...	...	...	...	...	3 14 0					
Rent	1	8 12 6	1	...	...	...	...	...	...	0 16 0					
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	1	100 0 0	...	...	1	...	1	1	...	10 10 0									
Wages, Work, and Labour	7	218 11 5	6	...	1	...	1	1	...	10 4 6											
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock	1	6 0 0	...	...	1	...	1	1	...	2 10 0									
Money lent.....	...	...	...	...	...	...	...	...	...	...	
Partnership	1	112 16 11	1	...	...	...	...	...	...	1 0 0					
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	36	850 8 11	32	...	4	...	4	4	...	48 19 6											

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

HENRY LUMSDAINE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MAITLAND, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.								
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.									
		£ s. d.								£ s. d.																			
Goods sold.....	87	1,185 3 10	39	...	47	...	47	42	5	66 6 6	...	.....	.....	1	Maitland... }	1887.	15 March	2	4										
Promissory Notes	23	651 12 0	10	...	13	...	13	13	...	28 16 0	...	.....	.....	...											
Rent	7	160 1 0	4	...	3	...	3	3	...	6 12 2	...	.....	.....	...											
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Trespass on Land	2	126 5 0	...	...	2	...	2	2	...	3 2 0	...	.....	.....	...											
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Breach of Contract	3	164 8 9	2	...	1	...	1	1	...	3 18 0	...	.....	.....	...											
Wages, Work, and Labour	11	349 10 11	4	...	7	1	6	7	...	11 16 0	...	.....	.....	...											
Libel, Slander, and Defamation	4	347 11 3	2	...	2	...	2	1	1	5 6 0	...	.....	.....	...											
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Money lent.....	10	148 6 6	6	...	4	...	4	3	1	10 13 6	...	.....	.....	...											
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Replevin.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	
Causes of Action not specified above	7	72 16 4	6	...	1	...	1	1	...	5 16 6	...	.....	.....	...											
Totals.....	154	3,205 15 7	73	...	80	1	79	73	7	141 16 8	...	.....	.....	1															

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

FRANCIS S. ISAACS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MENINDIE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	3	54 19 4	3	...	3	3	...	1 16 0	}				Menindie ...	{	1887.	23 May...	...	2	
Promissory Notes	1	27 14 10½	...	...	1	...	1	1*	...	0 10 0									
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging	1	12 1 0	...	...	...	...	...	...	...	0 10 0				
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	1	40 0 0	...	...	1	...	1	...	...	1 0 0							
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	6	134 15 2½	5	...	5	4	...	3 16 0						...	3				

* In this case plaintiff was non-suited for one portion of the amount claimed, and obtained a verdict for the other. † Summons not served. ‡ Case struck out; no appearance of plaintiff.

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

P. T. WHEALY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MERRIWA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.				
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.					
																	Days.	Hours.							
		£ s. d.								£ s. d.															
Goods sold	}	Merriwa ...	1887. { 20 Oct... 14 April.	...	1½					
Promissory Notes																
Rent																
Board and Lodging																
Trespass on Land																
Trespass on Person																
Illegal Distraint.....																
Trover.....																
Breach of Contract	1	12 12 0	1	...	1	1	...	1 4 0															
Wages, Work, and Labour																
Libel, Slander, and Defamation																
Commission on Agency																
Sales of Live Stock																
Money lent	1	9 0 0	1	...	1	1	...	0 8 0															
Partnership																
Interpleader																
Intestacy																
Legacy																
Possession of Tenements																
Replevin.....																
Consent Jurisdiction.....																
Causes of Action not specified above.....																
Totals								2								

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

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MILTON, during the Twelve Months preceding the 1st of March 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
Goods sold.....	10	£ s. d. 306 4 9	6	...	4	...	4	4	...	£ s. d. 10 14 0											
Promissory Notes.....	2	46 15 6	1	...	1	...	1	1	...	1 2 0											
Rent.....	1	40 0 0	...	...	1	...	1	1	...	1 1 0									
Board and Lodging.....	...	.....	...	...	...	...	...	...	...	.....	
Trespass on Land.....	...	.....	...	...	...	...	...	...	...	.....	
Trespass on Person.....	...	.....	...	...	...	...	...	...	...	.....	
Illegal Distraint.....	...	.....	...	...	...	...	...	...	...	.....	
Trover.....	...	.....	...	...	...	...	...	...	...	.....	
Breach of Contract.....	...	.....	...	...	...	...	...	...	...	.....	
Wages, Work, and Labour.....	2	30 14 1	1	...	1	...	1	1	...	1 3 0											
Libel, Slander, and Defamation.....	1	200 0 0	...	...	1	...	1	1	...	1 2 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.....	1	5 5 0	...	...	1	...	1	1	...	0 6 0									
Totals.....	17	628 19 4	8	...	9	...	9	9	...	15 8 0											
														Milton.....	1888. { 10 May... 5 Oct...}	1	3				

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

JOHN T. HOBBS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at Molong, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.																																																																																															
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.																																																																																																
		£ s. d.								£ s. d.								h. m.																																																																																																		
Goods sold	19	140 17 0	13	...	6	...	...	6	...	10 10 0	...	.....	.....	...	} Molong ...	} 1887.	} 7 Mar ...	} ...	} 0.5	} ...																																																																																										
Promissory Notes	4	209 7 0	2	...	1	1	...	4 9 0	1							} Molong ...	} 1887.	} 4 July ...	} ...	} 4.0	} ...																																																																																										
Rent	1	95 6 0	1	1 6 0													} Molong ...	} 1887.	} 8 Nov. ...	} ...	} 3.30	} ...																																																																																				
Board and Lodging																			} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																														
Trespass on Land	1	50 0 0	1	1 12 0																									} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																								
Trespass on Person																															} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																		
Illegal Distraint																																					} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																												
Trover																																											} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																						
Breach of Contract	3	261 0 0	1	...	2	2	...	2 10 0																																																	} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																
Wages, Work, and Labour	1	26 13 10	1	0 10 0																																																							} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																										
Libel, Slander, and Defamation																																																													} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																				
Commission on Agency																																																																			} Molong ...	} 1887.	} ...	} ...	} ...	} ...																														
Sales of Live Stock																																																																									} Molong ...	} 1887.	} ...	} ...	} ...	} ...																								
Money lent																																																																															} Molong ...	} 1887.	} ...	} ...	} ...	} ...																		
Partnership																																																																																					} Molong ...	} 1887.	} ...	} ...	} ...	} ...												
Interpleader																																																																																											} Molong ...	} 1887.	} ...	} ...	} ...	} ...						
Intestacy																																																																																																	} Molong ...	} 1887.	} ...	} ...	} ...	} ...
Legacy																																																																																																						
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																																		
Replevin							} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																																										
Consent Jurisdiction													} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																																				
Causes of Action not specified above	1	29 0 0	1	1	...	0 11 0																			} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																														
Totals	30	812 3 10	19	...	10	10	...	21 8 0	1																									} Molong ...	} 1887.	} ...	} ...	} ...	} ...																																																																								

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

J. H. NISBETT,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MOREE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	50	1,404 10 0	19	...	31	...	31	30	1	41 0 2	}										
Promissory Notes.....	12	300 0 0	1	...	11	...	11	11	...	6 7 0											
Rent.....				...		...			...						
Board and Lodging.....				...		...			...						
Trespass on Land.....	4	500 0 0		...	4	...	4	4	...	4 12 0											
Trespass on Person.....				...		...			...						
Illegal Distraint.....				...		...			...						
Trover.....				...		...			...						
Breach of Contract.....				...		...			...						
Wages, Work, and Labour.....				...		...			...						
Libel, Slander, and Defamation.....				...		...			...						
Commission on Agency.....				...		...			...						
Sales of Live Stock.....				...		...			...						
Money lent.....	8	150 0 0	2	...	6	...	6	6	...	9 7 6											
Partnership.....				...		...			...						
Interpleader.....				...		...			...						
Intestacy.....				...		...			...						
Legacy.....				...		...			...						
Possession of Tenements.....				...		...			...						
Replevin.....				...		...			...						
Consent Jurisdiction.....				...		...			...						
Causes of Action not specified above.....	12	75 7 6	7	...	5	...	5	4	1	23 10 0											
Totals.....	86	2,429 17 6	29	...	57	...	57	55	2	84 16 8				Moree.....	1888: 24 Mar... 22 Sept...	1 1	... 2				

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

W. E. HENRY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MORUYA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.		
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold.....	8	181 18 5	5	...	3	...	...	3	...	26 1 6	...	.....	.....	...	Moruya..							
Promissory Notes.....	7	133 9 4	5	...	1	...	...	...	1	9 14 2	...	.....	.....	...				
Rent	1	30 15 0	1	...	...	...	...	...	...	0 6 0	...	.....	.....	...				
Board and Lodging	2	43 2 2	1	...	1	...	...	...	1	2 8 10	...	.....	.....	...				
Trespass on Land	2	70 0 0	1	...	1	...	...	1	...	13 16 4	...	.....	.....	...				
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract	4	89 0 0	3	...	1	...	...	1	...	10 1 4	...	.....	.....	...				
Wages, Work, and Labour	3	35 8 6	...	...	3	...	...	2	1	7 4 8	...	.....	.....	...				
Libel, Slander, and Defamation .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	2	38 2 10	...	...	2	...	...	1	1	1 2 0	1	.....	1	...								
Totals	29	621 16 3	16	...	12	...	...	8	4	70 14 10	1	.....	1	1							20	

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

JOHN KENNY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MOSS VALE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com- menced.	Total Amount sued for.	Without hearing.	Arbi- tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	47	811 15 8	15	...	24	...	24	22	2	36 12 4	8	Moss Vale..	1888. 15 April 24 Aug... 24 Dec... 29 ,, ...	1 1 1 1	3 6 3			
Promissory Notes	17	399 12 2	4	...	12	...	12	11	1	20 0 0	...	.....	.....	1				
Rent	3	61 0 0	2	...	1	...	1	1	...	2 17 0	...	.....	.....	...			
Board and Lodging	2	50 3 0	...	...	2	...	2	...	2	1 11 0	...	.....	.....	...			
Trespass on Land	2	425 0 0	1	...	1	1	...	1	...	5 14 0	...	.....	.....	...			
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract	2	225 0 0	1	...	1	1	...	...	1	4 2 0	...	.....	.....	...			
Wages, Work, and Labour	8	163 18 7	5	...	3	...	3	1	2	9 1 6	...	.....	.....	...			
Libel, Slander, and Defamation	3	330 0 0	2	...	1	...	1	1	...	2 4 0	...	.....	.....	...			
Commission on Agency	2	114 16 2	...	...	1	...	1	...	1	2 13 0	...	.....	.....	1		
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent.....	4	81 19 7	2	...	2	1	1	2	...	6 17 0	...	.....	.....	...			
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements	3	120 0 0	...	...	3	...	3	2	1	2 18 0	...	.....	.....	...			
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	14	854 3 3	5	...	9	...	9	7	2	15 15 0	...	.....	.....	...			
Totals	107	3,737 9 5	37	...	60	3	57	48	12	110 4 10	10							

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

WM. W. RUDGE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MUDGEe, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads,	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.		
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.			
																	Days.	Hours.					
		£ s. d.								£ s. d.													
Goods sold	23	320 7 0	13	...	5	...	5	4	1	10 13 0	...	.....	.....	5	Mudgee ...								
Promissory Notes	11	383 19 10	8	...	3	...	3	3	...	9 0 0	...	.....	.....	...					
Rent .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land	4	190 0 0	2	...	2	...	2	1	1	3 0 0	...	.....	.....	...					
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover	1	10 0 0	...	...	1	...	1	...	1	0 6 0	...	.....	.....	...					
Breach of Contract	1	20 0 0	...	...	1	...	1	1	...	0 10 0	...	.....	.....	...					
Wages, Work, and Labour .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Libel, Slander, and Defamation..	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Commission on Agency.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent.....	1	11 3 6	...	...	...	...	...	...	...	0 10 0	...	.....	.....	1									
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	54	400 2 6	19	...	23	...	23	20	3	14 0 0	...	.....	.....	12									
Totals.....	95	1,335 12 10	42	...	35	...	35	29	6	37 19 0	...	.....	.....	18									

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

R. H. ACHESON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at MUSWELLBROOK, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
		£ s. d.								£ s. d.							Days.	Hours.			
Goods sold	5	136 17 10	2	...	3	...	3	3	...	16 8 8	}										
Promissory Notes	1	10 2 6	1	...	...	...	...	...	...	1 10 2											
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distrainment.....	...	...	...	...	...	...	...	...	...	...	
Trover.....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency	1	40 0 0	...	...	1	...	1	...	1	13 15 0		...	.....	.....	...	Muswell- brook.	1887. { 25 Mar... 16 Sept...	...	2 1		
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent	1	85 2 0	1	...	...	...	...	...	...	2 9 10											
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin.....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above .....	...	...	...	...	...	...	...	...	...	...	
Totals	8	272 2 4	4	...	4	...	4	3	1	34 3 8							...	3			

52

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

T. FOLEY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NARRABRI, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.				
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.					
																	Days.	Hours.							
Goods sold	33	£ 586 9 0	3	...	30	...	30	19	...	£ 49 2 8	1	1	.....	} Narrabri ...	} 1887. August... 1888. March ...	} 2 2									
Promissory Notes	3	57 2 2	...	...	3	...	3	2	...	4 7 6	...	...	.....									
Rent	1	8 2 0	...	...	1	...	1	...	1	.....	...	...	.....								
Board and Lodging	2	11 5 0	1	...	1	...	1	1	...	0 6 0	...	...	.....									
Trespass on Land	1	200 0 0	1	...	1	...	1	...	...	.....	...	...	.....						
Trespass on Person .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Trover	1	100 0 0	...	...	1	...	1	...	...	.....	...	...	.....						
Breach of Contract	1	19 8 2	1	...	...	...	...	...	...	.....	...	...	.....		
Wages, Work, and Labour	3	21 18 6	...	...	3	...	3	3	...	5 4 4	...	...	.....									
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Commission on Agency	1	13 8 0	...	...	1	...	1	...	...	.....	...	...	.....						
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Money lent	2	57 17 0	...	...	2	...	2	1	...	3 7 0	...	...	.....									
Partnership .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Interpleader .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Intestacy .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Legacy .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Possession of Tenements	1	200 0 0	...	...	1	...	1	1	...	.....	...	...	.....							
Replevin .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	.....	...	...	.....
Causes of Action not specified above	1	15 18 6	1	...	...	...	...	...	...	.....	...	...	.....		
Totals	50	1,291 8 4	7	...	44	1	43	27	1	62 7 6	1	1	.....			4									

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

FRANK G. BATTYE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NARRANDERA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	10	208 1 5	6	...	4	...	4	4	...	14 10 0	}										
Promissory Notes	6	683 5 6	3	...	3	...	3	3	...	6 0 0											
Rent.....	1	14 0 0	1	...	...	...	...	...	...	0 10 0											
Board and Lodging.....		.....	.....	.....	.....	.....	.....	.....	.....	.....		
Trespass on Land .....		.....	.....	.....	.....	.....	.....	.....	.....	.....	
Trespass on Person.....	1	200 0 0	.....	.....	1	.....	1	.....	1	1 4 0											
Illegal Distraint .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Trover .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Breach of Contract.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Wages, Work, and Labour ...	1	11 6 0	1	.....	.....	.....	.....	.....	.....	0 10 0											
Libel, Slander, and Defamation .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Commission on Agency .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Sales of Live Stock.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Money lent	2	25 4 6	1	.....	1	.....	1	1	.....	2 18 8											
Partnership .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Interpleader .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Intestacy .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Legacy .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Possession of Tenements .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Replevin .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Consent Jurisdiction .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Causes of Action not specified above .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Totals.....	21	1,141 17 5	12	...	9	...	9	8	1	25 12 8							2	2			

54

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

J. A. LEES,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NEWCASTLE during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear under District Court Act Amendment Act of 1884.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.		
	Com-menced.	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.*	By Jury.	Without Jury.	For Plai	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.			
		£ s. d.								£ s. d.													
Goods sold	290	3,257 16 2	139	...	126	...	290	118	8	227 16 1	...	...	...	25	Newcastle..								
Promissory Notes	35	1,901 1 10	10	...	25	...	35	24	1	127 17 8	1	1	...										
Rent	8	315 1 4	2	...	6	...	8	6	...	13 9 8	...	...	...							
Board and Lodging	1	9 11 10	...	...	1	...	1	1	...	0 13 0	...	...	...							
Trespass on Land	3	110 0 0	...	...	2	...	3	1	1	2 14 0	...	...	...	1									
Trespass on Person	7	885 0 0	2	...	5	...	7	3	2	26 12 6	...	...	...							
Illegal Distraint	1	200 0 0	...	...	1	...	1	1	...	10 16 0	...	...	...							
Trover	2	39 13 3	2	...	...	...	2	...	...	1 12 0	...	...	...							
Breach of Contract	9	433 4 0	4	...	5	1	8	4	1	28 15 6	...	...	...							
Wages, Work, and Labour	62	608 5 2	34	...	24	...	62	23	1	48 4 6	...	...	...	4									
Libel, Slander, and Defamation	4	120 0 0	...	...	4	...	4	3	1	23 15 0	...	...	...							
Commission on Agency	4	60 12 6	2	...	2	...	4	2	...	21 15 0	...	...	...							
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	7	236 10 6	1	...	5	...	7	4	1	5 5 8	...	...	...	1									
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	19	873 14 7	6	...	13	3	16	8	5	64 10 8	4	1	...										
Totals	452	9,050 11 2	202	...	219	4	448	198	21	603 17 3	+5	2	...	31									
																						16 93½	

* Under these heads judgments signed by the Registrar under the District Court Act Amendment Act of 1884 are included. † Three of these undecided.

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

HY. WM. H. HUNTINGTON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at NOWRA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	57	739 4 3	21	...	36	...	36	29	7	56 10 0									...		
Promissory Notes	19	596 18 6	11	...	8	...	8	7	1	31 15 0									1		
Rent	1	29 0 0	...	...	1	...	1	...	...	15 2 6									...	
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...									...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...									...
Trespass on Person	*1	200 0 0	1	...	...	...	...	...	...	1 0 0									...	
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...									...
Trover.....	...	...	...	...	...	...	...	...	...	...									...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...									...
Wages, Work, and Labour	6	106 0 0	2	...	4	...	4	3	1	16 10 0									...		
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...									...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...				Nowra	1887.	1 Sept.....	3	1	...	
Sales of Live Stock	2	13 0 0	...	...	2	...	2	1	1	7 10 0									...	
Money lent.....	2	37 13 6	1	...	1	...	1	1	...	4 15 0									...		
Partnership .....	...	...	...	...	...	...	...	...	...	...									...
Interpleader	1	14 10 8	...	...	1	...	1	1	...	6 0 0									...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...									...
Legacy .....	...	...	...	...	...	...	...	...	...	...									...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...									...
Replevin.....	...	...	...	...	...	...	...	...	...	...									...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...									...
Causes of Action not specified above	5	166 9 0	3	...	2	...	2	1	1	12 10 0									...		
Totals	94	1,902 15 11	39	...	55	...	55	44	11	151 12 6									3	1	

*Plaint fee only.

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

LESLIE W. A. M'ARTHUR,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at ORANGE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

932-H

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	35	683 4 1	12	...	16	...	16	14	2	54 2 11	7	Orange ...	1887. 11 Mar. ... 8 July ... 10 Nov. ...	6 3½ 7				
Promissory Notes	12	314 16 6	5	...	6	...	6	6	...	33 0 6	...	...	...	1				
Rent	2	28 17 0	...	...	2	...	2	2	...	2 2 2	...	...	...	1		
Board and Lodging	1	14 1 0	...	...	...	...	...	...	...	5 0 6	...	...	...	1
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract	3	272 3 10	1	...	2	...	2	2	...	9 12 0	...	...	...	1				
Wages, Work, and Labour	16	328 0 0	12	...	3	...	3	3	...	20 8 8	...	...	...	1				
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	...	1	12 7 4	...	...	...	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent	2	40 0 0	1	...	...	...	...	...	...	2 6 0	...	...	...	1
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader	1	23 11 8	...	...	...	...	...	...	...	0 5 0	...	...	...	1
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	4	52 7 2	1	...	2	...	2	2	...	2 18 6	...	...	...	1				
Totals	77	1,957 1 3	32	...	32	1	31	27	5	142 3 7	13	...	16½			

AG

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

STEPHEN MURPHY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PARRAMATTA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	127	2,074 14 10	70	...	42	...	42	40	2	214 2 4	...	.....	.....	15	Parramatta						
Promissory Notes	43	1,407 16 2	33	...	6	...	6	6	...	100 17 10	...	.....	.....	4							
Rent	4	53 10 0	1	...	3	...	3	2	1	5 6 4	...	.....	.....	...			
Board and Lodging	2	26 12 4	...	...	2	...	2	2	...	7 10 4	...	.....	.....	...			
Trespass on Land	1	15 0 0	...	...	1	...	1	...	1	5 11 4	...	.....	.....	...			
Trespass on Person	7	415 0 0	...	...	7	...	7	5	2	83 4 8	...	.....	.....	...			
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover	4	144 4 6	2	...	2	...	2	1	1	8 7 10	...	.....	.....	...			
Breach of Contract	4	230 0 0	1	...	3	...	3	3	...	2 9 10	...	.....	.....	...			
Wages, Work, and Labour	36	756 9 0	14	...	15	...	15	11	4	70 4 4	...	.....	.....	7							
Libel, Slander, and Defamation	3	500 0 0	2	...	1	...	1	...	1	13 8 8	...	.....	.....	...			
Commission on Agency	4	204 13 8	3	...	...	...	...	...	...	3 14 2	...	.....	.....	1							
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent	8	182 19 0	4	...	3	...	3	3	...	14 15 0	...	.....	.....	1							
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	15	414 11 0	7	...	6	...	6	5	1	26 13 6	2							
Totals	258	6,425 10 6	137	...	91	...	91	78	13	556 6 2	30							

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

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PENRITH, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold.....	18	385 1 9	8	...	10	...	10	9	1	8 17 6											
Promissory Notes.....	9	185 17 8	4	...	5	...	5	5	...	5 0 0											
Rent.....	1	16 0 0	1	...	...	...	...	...	...	0 10 0										
Board and Lodging.....	4	44 18 6	1	...	3	...	3	3	...	1 13 6											
Trespass on Land.....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person.....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	
Trover.....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract.....	2	204 4 9	...	...	2	...	2	1	1	2 6 0										
Wages, Work, and Labour.....	7	152 8 10	2	...	5	...	5	4	1	3 17 0											
Libel, Slander, and Defamation.....	3	90 0 0	1	...	2	...	2	...	2	1 10 0											
Commission on Agency.....	2	30 6 0	1	...	1	...	1	...	1	1 0 0											
Sales of Live Stock.....	1	7 15 0	...	...	1	...	1	...	1	0 6 0										
Money lent.....	2	82 2 9	2	...	...	...	...	...	...	1 11 6										
Partnership.....	...	...	...	...	...	...	...	...	...	...	
Interpleader.....	...	...	...	...	...	...	...	...	...	...	
Intestacy.....	...	...	...	...	...	...	...	...	...	...	
Legacy.....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements.....	...	...	...	...	...	...	...	...	...	...	
Replevin.....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above.....	17	181 1 11	3	...	14	...	14	12	2	9 8 0											
Totals.....	66	1,379 17 2	23	...	43	...	43	34	9	35 19 6											

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

W. CLEEVE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PORT MACQUARIE, during the Twelve Months preceding the 1st of March 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases.			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	8	78 4 11	7	7	...	4 15 6	1	Port Mac-quarie.....	1887. { 28 May... 26 Nov... }	{ Not stated.				
Promissory Notes	5	165 13 5	...	...	...	...	2	2	...	3 14 0	...	...	...	3
Rent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Board and Lodging	1	13 0 0	...	...	...	...	...	...	...	1 6 0	...	...	...	1
Trespass on Land	1	10 0 0	...	...	...	...	...	...	...	0 6 0	...	...	...	1
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour	2	32 13 7	...	...	...	...	1	1	...	7 5 6	...	...	...	1
Libel, Slander, and Defamation	3	600 0 0	...	...	...	...	3	2	1	3 17 0	...	...	...	...			
Commission on Agency	1	38 0 0	1	...	...	...	...	...	...	1 2 0	...	...	...	...			
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	4	63 1 4	...	...	...	...	2	2	...	3 5 6	...	...	...	2
Totals	25	998 13 3	1	...	...	...	15	14	1	25 11 6	...	...	...	9	

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

F. B. HALES,
Deputy Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at QUEANBEYAN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com- menced.	Total Amount sued for.	Without hearing.	Arbi- tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend- ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
Goods sold.....	35	£ s. d. 814 11 0	11	...	22	2	20	20	2	£ s. d. 88 18 5	2	Queanbeyan	1887. 20 July... 25 Nov.... 1888. 22 Feb....	...	8 15	
Promissory Notes	7	105 7 0	2	...	5	...	5	5	...	19 2 11	...	.....	.....	...			
Rent .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Breach of Contract	2	240 0 0	1	...	1	1	1	1	...	7 0 0	...	.....	.....	2				
Wages, Work, and Labour	7	161 5 3	1	...	4	...	4	4	...	15 10 6	...	.....	.....	...			
Libel, Slander, and Defamation	3	430 0 0	...	...	3	2	1	1	2	26 17 0	...	.....	.....	...			
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Sales of Live Stock	1	6 0 0	...	...	...	...	...	...	...	0 6 0	...	.....	.....	1
Money lent.....	3	28 3 1	...	...	3	...	3	3	...	7 6 0	...	.....	.....	...			
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	4	293 10 0	1	...	3	1	2	1	2	16 7 0	...	.....	.....	...			
Totals.....	62	2,078 16 4	16	...	41	6	35	35	6	181 7 10	5	...	34		

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

C. J. B. HELM,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at SCONE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.			
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.		
		£ s. d.								£ s. d.								Days.	Hours.				
Goods sold	1	25 19 0	...	...	1	...	1	1	...	4 0 0	}												
Promissory Notes													
Rent													
Board and Lodging													
Trespass on Land	1	100 0 0	...	...	1	...	1	1	...	24 4 6													
Trespass on Person													
Illegal Distraint.....													
Trover.....													
Breach of Contract													
Wages, Work, and Labour													
Libel, Slander, and 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.....													
Totals	2	125 19 0	...	..	2	...	2	2	...	28 4 6								...	3				

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

HENRY J. LEARY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at SINGLETON, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	25	343 0 9	6	...	16	14	2	18 6 8	3	Singleton...	1887. 27 Mar... 28 " " 21 June.. 22 " " 13 Sept...	2 2 1				
Promissory Notes	6	119 1 1	4	...	2	...	...	2	...	6 6 0	...	...	...	...			
Rent	2	38 0 0	1	...	1	...	...	1	...	1 2 0	...	...	...	...			
Board and Lodging	2	48 14 3	...	...	2	...	...	2	...	1 11 0	...	...	...	...			
Trespass on Land	1	150 0 0	...	...	1	...	...	1	...	1 9 0	...	...	...	...			
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour	8	169 10 2	1	...	7	...	...	5	2	9 19 0	...	...	...	...			
Libel, Slander, and Defamation	3	310 0 0	...	...	3	...	...	2	1	3 7 0	...	...	...	...			
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Money lent .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Replevin	2	55 0 0	...	...	2	...	...	1	1	8 6 0	...	...	...	...			
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causes of Action not specified above	7	137 18 0	3	...	4	...	...	3	1	4 8 6	...	...	...	...			
Totals	56	1,371 4 3	15	...	38	31	7	54 15 2	3							

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

FREDERICK G. ADRIAN,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at SILVERTON, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
										Days.				Hours.						
		£ s. d.								£ s. d.										
Goods sold	15	599 2 9	5	...	10	...	10	9	1	66 11 6										
Promissory Notes	7	184 7 10	6	...	1	...	1	1	...	10 0 0										
Rent	2	81 10 0	...	...	2	...	2	1	1	7 9 8										
Board and Lodging	4	116 8 6	2	...	2	...	2	1	1	14 15 6										
Trespass on Land	2	250 0 0	...	...	2	...	2	1	1	26 10 2										
Trespass on Person	3	280 0 0	1	...	2	1	1	1	1	16 8 8										
Illegal Distraint .....				...												
Trover.....	1	25 0 0	1	...																
Breach of Contract	9	447 1 3	3	...	6	1	5	3	3	67 14 2										
Wages, Work, and Labour .....				...												
Libel, Slander, and Defamation .....				...												
Commission on Agency.....				...																
Sales of Live Stock .....				...												
Money lent.....				...																
Partnership .....				...												
Interpleader	1	80 0 0	1	...																
Intestacy	1	100 0 0		...	1		1		1											
Legacy .....				...												
Possession of Tenements .....				...												
Replevin.....				...																
Consent Jurisdiction.....				...																
Causes of Action not specified above.....				...																
Totals.....	45	2,163 10 4	19	...	26	2	24	17	9	209 9 8					Silverton ...	1887. { 1 June... 7 Dec. ...	2 2			

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

JOHN SAUNDERS,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TAMWORTH, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

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Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits. £ s. d.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of theittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
Goods sold	43	£ 1,541 10 9	20	...	22	...	22	21	1	56 6 4	1	} Tamworth.	1887. 29 April ... 1 9 July... 1 28 Oct.... 1888. 11 Jan... 3	7	4	8	3	
Promissory Notes	10	224 3 2	3	...	5	...	5	4	1	9 11 6	...	...	...	2				
Rent	2	12 10 0	...	...	2	...	2	2	...	...	...	...	...	...	
Board and Lodging	2	101 2 5	1	...	1	...	1	1	...	...	...	...	...	...	
Trespass on Land	1	10 0 0	1	...	...	...	...	...	...	...	...	...	...	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Illegal Distrainment .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trover	3	38 0 0	...	...	3	...	3	3	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wages, Work, and Labour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	5 5 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	27	454 12 10	17	...	9	...	9	7	2	4 11 0	1							
Totals	89	2,581 19 2	43	...	42	...	42	38	4	75 13 10	4	2	22					

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

JOHN A. KING,
Registrar, District Court.

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RETURN of the Number and Particulars of Suits commenced in the District Court holden at TAREE, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	57	876 4 0	29	...	21	...	21	20	1	72 15 4	7	Taree.....	1887. 2 June... 3 " ... 4 " ... 1 Dec.....	1 1 1 1	4 4 5 7			
Promissory Notes	19	503 13 10	8	...	11	...	11	11	...	57 18 0	...	.....	.....	...			
Rent	1	3 5 0	1	...	...	...	...	...	...	0 5 6	...	.....	.....	...			
Board and Lodging	1	21 5 6	...	...	1	...	1	1	...	2 7 6	...	.....	.....	...			
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Person	1	30 0 0	1	...	...	...	...	...	...	1 9 2	...	.....	.....	...			
Illegal Distrain't .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover	2	180 0 0	...	...	2	...	2	1	1	38 6 8	...	.....	.....	...			
Breach of Contract	1	50 0 0	...	...	1	...	1	1	1	13 18 6	...	.....	.....	...			
Wages, Work, and Labour	5	145 13 9	3	...	1	...	1	...	1	13 12 0	...	.....	.....	1				
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent	1	14 13 4	...	...	1	...	1	1	...	3 1 10	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	3	75 12 0	2	...	1	...	1	1	...	6 4 2	...	.....	.....	...			
Totals	91	1,900 7 5	44	...	39	...	39	35	4	209 18 8	8							

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

J. A. CREAGH,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TENTERFIELD, during the Twelve Months preceding the 1st of March, 1868, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	48	1,358 3 10	19	...	29	...	29	26	3	113 3 0	...	.....							
Promissory Notes	12	294 3 4	6	...	6	...	6	6	...	25 8 8	...	.....							
Rent	2	53 5 1	...	...	2	...	2	1	1	3 6 0	...	.....							
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Trespass on Person .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Trover .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Breach of Contract	1	18 0 4	...	...	1	...	1	1	...	0 19 0	...	.....							
Wages, Work, and Labour	7	400 11 1	2	...	5	1	4	4	1	23 16 10	1	1									
Libel, Slander, and Defamation..	2	300 0 0	1	...	1	...	1	...	1	10 15 8	...	.....							
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Money lent	3	95 19 2	2	...	1	...	1	...	1	6 9 10	...	.....							
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....
Causes of Action not specified above.....	5	106 12 2	2	...	3	...	3	...	3	12 5 8	...	.....							
Totals	80	2,626 15 0	32	...	48	1	47	38	10	196 4 8	1	1	.....								35½

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

F. BURNE,
Registrar, District Court

RETURN of the Number and Particulars of Suits commenced in the District Court holden at TUMUT, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	16	305 4 0	14	...	2	...	2	1	1	31 12 10	}	}	}	}	Tumut ...	}	}	}	}	}	
Promissory Notes	8	556 19 3	6	...	2	...	2	2	...	20 15 6											
Rent .....	...	...	...	...	...	...	...	...	...	...	
Board and Lodging	1	22 3 10	1	...	...	...	...	...	...	1 10 2					
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	
Wages, Work, and Labour	7	302 7 7	2	...	5	...	5	3	2	41 2 2											
Libel, Slander, and Defamation	1	100 0 0	1	...	...	...	...	...	...	2 15 10					
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock	3	84 0 0	3	...	...	...	...	...	...	7 19 10					
Money lent	1	32 5 0	...	...	1	...	1	1	...	7 16 0									
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin .....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	5	33 18 6	4	...	1	...	1	1	...	5 17 8											
Totals	42	1,436 18 2	31	...	11	...	11	8	3	119 10 0	...	5									

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

CHARLES J. LLOYD,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WARIALDA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
Goods sold.....	...	£ s. d.	...	...	...	...	...	...	...	£ s. d.	...	...	...	...	...	...	...	...	...	...
Promissory Notes	
Rent	
Board and Lodging	
Trespass on Land	
Trespass on Person	
Illegal Distraint	
Trover.....	
Breach of Contract	
Wages, Work, and Labour	
Libel, Slander, and Defamation	
Commission on Agency	
Sales of Live Stock	
Money lent.....	
Partnership	
Interpleader	
Intestacy	
Legacy	
Possession of Tenements	
Replevin.....	
Consent Jurisdiction.....	
Causes of Action not specified above	2	33 0 0	2	...	...	...	...	...	...	1 0 0	...	...	...	...	...	...	...	...	...	...
Totals.....	2	33 0 0	2	...	...	...	...	...	...	1 0 0	...	...	...	...	...	...	...	...	...	...

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

W. V. M. COOKE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WARREN, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	7	145 15 3½	6	...	1	...	1	1	...	4 0 0	}				Warren	1887. { 16 May... 28 Nov...					
Promissory Notes	6	259 2 9	4	...	2	...	2	2	...	4 6 0											
Rent .....				...		...			...			
Board and Lodging	2	31 16 0	2	...		...			...	1 0 0					
Trespass on Land .....				...		...			...			
Trespass on Person	4	271 0 4	1	...	3	...	3	2	1	2 10 0											
Illegal Distraint.....				...		...			...						
Trover.....				...		...			...						
Breach of Contract .....				...		...			...			
Wages, Work, and Labour	3	72 3 11	1	...	2	...	2	...	2	1 10 0											
Libel, Slander, and Defamation	1	200 0 0		...	1	...	1	1	...	1 0 0											
Commission on Agency .....				...		...			...			
Sales of Live Stock .....				...		...			...			
Money lent	1	119 6 10	1	...		...			...	1 0 0					
Partnership .....				...		...			...			
Interpleader .....				...		...			...			
Intestacy .....				...		...			...			
Legacy .....				...		...			...			
Possession of Tenements .....				...		...			...			
Replevin.....				...		...			...						
Consent Jurisdiction.....				...		...			...						
Causes of Action not specified above.....				...		...			...						
Totals	24	1,099 5 1½	15	...	9	...	9	6	3	15 6 0						2	9				

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

CHARLES HENRY PIGGOTT,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WELLINGTON, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	11	306 0 1½	6	...	5	...	5	4	1	40 7 10											
Promissory Notes	4	93 19 6	3	...	1	...	1	1	...	8 3 0											
Rent	1	12 0 0	1	...	...	...	...	...	...	1 16 2									
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	
Trover .....	...	...	...	...	...	...	...	...	...	...	
Breach of Contract	1	200 0 0	...	...	1	...	1	1	...	2 8 10									
Wages, Work, and Labour	4	138 10 4	...	...	4	...	4	4	...	7 11 2									
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...	
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	
Money lent.....	1	15 15 0	...	...	1	...	1	1	...	2 9 2									
Partnership .....	...	...	...	...	...	...	...	...	...	...	
Interpleader .....	...	...	...	...	...	...	...	...	...	...	
Intestacy .....	...	...	...	...	...	...	...	...	...	...	
Legacy .....	...	...	...	...	...	...	...	...	...	...	
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	
Replevin.....	...	...	...	...	...	...	...	...	...	...	
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	
Causes of Action not specified above	2	118 14 10	2	...	...	...	...	...	...	18 8 6									
Totals	24	684 19 9½	12	...	12	...	12	11	1	81 4 8							2	9½			

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

FRED. MARSH,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WILCANNIA, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	17	892 4 7	6	...	...	1	3	3	1	16 2 6	...	.....	.....	} Wilcannia {	} 1887. 26 May ... 1 Dec. ...	} 2 3				
Promissory Notes	11	648 13 4	5	...	...	...	4	3	...	10 9 0	...	.....	.....							2
Rent .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Illegal Distraint .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Trover	3	200 0 0	1	...	...	...	2	1	1	2 14 0	...	.....	.....							...
Breach of Contract .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Wages, Work, and Labour	3	298 12 2	...	...	...	...	2	...	2	3 6 0	...	.....	.....							1
Libel, Slander, and Defamation	4	800 0 0	1	...	...	1	2	1	2	5 8 6	...	.....	.....							...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Money lent	3	163 19 5	2	...	...	...	1	1	...	2 16 0	...	.....	.....							...
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....							...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	2	55 8 0	...	...	...	...	2	2	...	2 7 0	...	.....	.....	...			
Totals	43	3,058 17 6	15	...	...	2	16	11	6	43 3 0	...	.....	.....	10						

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—
 GEO. H. GOWER,
 Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WINDSOR during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	55	654 16 8	24	...	30	...	30	28	2	55 19 6	1	Windsor ...	1887. 4 May... 5 Oct... 1888. 1 Feb... 2 „	1	9	9		
Promissory Notes	4	120 0 4	...	...	4	...	4	4	...	3 3 0	...	.....	.....	...			
Rent	2	22 19 6	2	...	...	...	...	...	...	1 4 0	...	.....	.....	...			
Board and Lodging .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Land .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trespass on Person	1	10 0 0	...	...	1	...	1	...	1	1 0 0	...	.....	.....	...			
Illegal Distraint .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Trover	3	92 7 0	...	...	3	...	3	3	...	1 19 6	...	.....	.....	...			
Breach of Contract .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Wages, Work, and Labour	4	149 13 1	...	...	4	...	4	3	1	5 1 6	...	.....	.....	...			
Libel, Slander, and Defamation..	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Commission on Agency.....	2	27 10 0	...	...	2	...	2	...	2	1 14 0	...	.....	.....	...			
Sales of Live Stock .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Money lent.....	6	42 9 1	3	...	3	...	3	3	...	2 16 0	...	.....	.....	...			
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Possession of Tenements .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Replevin.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Consent Jurisdiction.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...
Causes of Action not specified above	8	123 14 3	3	...	5	...	5	4	1	5 19 0	...	.....	.....	...			
Totals.....	85	1,243 9 11	32	...	52	...	52	45	7	78 16 0	1	4	30					

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

W. H. H. BECKE,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at WOLLONGONG, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.		
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.	
																	Days.	Hours.				
		£ s. d.								£ s. d.												
Goods sold	37	668 4 4	10	1	20	...	20	19	1	88 0 9	...	.....	.....	Wollongong	{ 1887. 27 May... 3 Sept... 1888. 9 Feb...							
Promissory Notes	11	260 13 6	2	...	5	...	5	5	...	25 6 0	...	.....	.....						
Reht.....	2	83 14 0	1	...	1	...	1	1	...	4 18 6	...	.....	.....						
Board and Lodging.....	1	49 8 0	...	...	1	...	1	1	...	1 1 0	...	.....	.....						
Trespass on Land	2	70 0 0	...	...	2	...	2	1	1	14 1 0	...	.....	.....						
Trespass on Person.....	1	200 0 0	...	...	1	...	1	1	...	27 9 0	...	.....	.....						
Illegal Distrain	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Trover	1	21 11 0	...	...	1	...	1	...	1	7 4 8	...	.....	.....						
Breach of Contract.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Wages, Work, and Labour ...	10	289 7 0	3	...	7	...	7	4	3	24 3 8	...	.....	.....						
Label, Slander, and Defamation	2	400 0 0	...	...	2	...	1	1	1	20 1 10	...	.....	.....						
Commission on Agency .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Sales of Live Stock.....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Money lent	2	61 17 5	...	...	2	...	2	1	1	11 6 10	...	.....	.....						
Partnership .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Interpleader .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Intestacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Legacy .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Possession of Tenements	1	.....	1	...	...	...	...	...	...	1 8 0	...	.....	.....						
Replevin .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Consent Jurisdiction .....	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....
Causes of Action not specified above	13	363 14 10	3	...	10	...	10	5	5	61 11 2	...	.....	.....						
Totals.....	83	2,468 10 1	20	1	52	2	50	39	13	286 12 5	...	.....	.....					3	15½			

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

D. R. JAMIESON,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at YASS, during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits. (Fees for Plaintiffs.)	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.
	Com-menced.	Total Amount sued for.	Without hearing.	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted.
										Days.				Hours.						
		£ s. d.								£ s. d.										
Goods sold	66	824 5 11	24	...	42	...	42	38	4	24 13 0								1		
Promissory Notes	16	494 18 2	3	...	13	...	13	13	...	8 11 6								...		
Rent	3	90 0 0	1	...	2	...	2	2	...	2 0 0								...		
Board and Lodging	8	53 9 11	2	...	6	...	6	5	1	2 8 6								...		
Trespass on Land	1	15 0 0	...	...	1	...	1	1	...	0 10 0								...		
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...								...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...								...
Trover.....	...	...	...	...	...	...	...	...	...	...								...
Breach of Contract	1	100 0 0	...	...	1	...	1	...	1	1 0 0								...		
Wages, Work, and Labour.....	7	79 2 6	3	...	4	...	4	3	1	2 9 0								...		
Libel, Slander, and Defamation .....	...	...	...	...	...	...	...	...	...	...								...
Commission on Agency .....	...	...	...	...	...	...	...	...	...	...								...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...								...
Money lent.....	1	3 6 6	...	...	1	...	1	1	...	0 3 6								...		
Partnership .....	...	...	...	...	...	...	...	...	...	...								...
Interpleader .....	...	...	...	...	...	...	...	...	...	...								...
Intestacy .....	...	...	...	...	...	...	...	...	...	...								...
Legacy .....	...	...	...	...	...	...	...	...	...	...								...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...								...
Replevin.....	...	...	...	...	...	...	...	...	...	...								...
Consent Jurisdiction .....	...	...	...	...	...	...	...	...	...	...								...
Causes of Action not specified above.....	31	437 16 1	16	...	15	...	15	7	8	12 10 6								...		
Totals	134	2,097 19 1	49	...	85	...	85	70	15	54 6 0								3	3	1

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

GLENTWORTH ADDISON,
Registrar, District Court.

[2a, 67.]

RETURN of the Number and Particulars of Suits commenced in the District Court holden at YOUNG during the Twelve Months preceding the 1st of March, 1888, as required by the 103rd section of the said Act.

Nature of Causes, under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.			The Number of		The grounds on which such New Trials were granted.	
	Com-menced.	Total Amount sued for.	Without hearing	Arbi-tration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defend-ant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.		New Trials granted
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	15	267 14 8	5	...	7	...	7	6	1	44 13 2	3	} Young ...	1887. 20 May... 17 Sept... 1888. 17 Jan	3	...		
Promissory Notes	15	971 16 1	7	...	8	...	8	8	...	49 5 2	...	.....	.....	...			
Rent	3	109 15 7	1	...	2	...	2	2	...	14 11 0	...	.....	.....	...			
Board and Lodging .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Land .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trespass on Person .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Illegal Distraint.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Trover.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Breach of Contract	1	30 0 0	...	...	1	...	1	1	...	2 9 2	...	.....	.....	...			
Wages, Work, and Labour	7	103 2 1	1	...	6	...	6	6	...	18 1 0	...	.....	.....	...			
Libel, Slander, and Defamation	2	250 0 0	...	...	2	...	2	1	1	37 11 8	...	.....	.....	...			
Commission on Agency.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Sales of Live Stock .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Money lent.....	4	309 8 0	2	...	2	...	2	2	...	12 5 8	...	.....	.....	...			
Partnership .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Interpleader .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Intestacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Legacy .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Possession of Tenements .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Replevin .....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Consent Jurisdiction.....	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...
Causes of Action not specified above	5	323 12 10	3	...	2	2	...	1	1	35 2 2	...	.....	.....	...			
Totals	52	2,365 9 3	19	...	30	2	28	27	3	213 19 0	3							

Sydney : Charles Potter, Government Printer.—1888.

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

W. C. RODGERSON,
Registrar, District Court.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BROKEN HILL AND SUBURBAN
GAS COMPANY'S BILL,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE.

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 *May*, 1888.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 75. TUESDAY, 10 APRIL, 1888.

- BROKEN HILL AND SUBURBAN GAS COMPANY'S BILL (*Formal Motion*):—Mr. Day moved, pursuant to Notice,—
- (1.) That the Broken Hill and Suburban Gas Company's Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Barbour, Mr. De Courcy Browne, Mr. Dalton, Mr. Colls, Mr. Gormly, Mr. Waddell, Mr. Kelly, Mr. Hayes, and the Mover.
- Question put and passed.
-

VOTES No. 86. THURSDAY, 3 MAY, 1888.

3. BROKEN HILL AND SUBURBAN GAS COMPANY'S BILL:—Mr. Day, 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 consideration and report this Bill was referred on 10th April, 1888, together with Appendix and a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
- * * * * *
-

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Extracts from the Votes and Proceedings.....	2
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Proceedings of the Committee	4
List of Witnesses	4
Minutes of Evidence	5
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1887-8,

THE BROKEN HILL AND SUBURBAN GAS COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 10th April, 1888, the "*Broken Hill and Suburban Gas Company's Bill*," beg to report to your Honorable House,—

That they have examined the witnesses named in the list* (whose * See list, page 4. evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

GEORGE DAY,
Chairman.

No. 2 Committee Room,
Sydney, 2nd May, 1888.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 2 MAY, 1888.

MEMBERS PRESENT:—

Mr. Day,	|	Mr. Colls,
Mr. Barbour,	|	Mr. De Courcy Browne.

Mr. Day called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.

Printed copies of the Bill, together with the original petition to introduce the same, before the Committee.

Joseph Palmer Abbott, Esq., M.P., called in, sworn, and examined.

Witness handed in attested copy of memorandum of association of the Broken Hill and Suburban Gas Company (Limited). (*See Appendix.*)

Thomas Frederic De Courcy Browne, Esq., M.P., sworn, and examined in his place.

Preamble considered and question,—“That the Preamble stand part of the Bill,”—put and passed.

Clauses 1 to 27 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

LIST OF WITNESSES.

	PAGE.
Abbott J. P., Esq., M.P.	5
Browne T. F. De Courcy, Esq., M.P.	6

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BROKEN HILL AND SUBURBAN GAS
COMPANY'S BILL.

WEDNESDAY, 2 MAY, 1888.

Present:—

MR. BARBOUR,
MR. COLLS,

MR. DE COURCY BROWNE,
MR. HAYES,

MR. DAY.

G. DAY, ESQ., IN THE CHAIR.

Joseph Palmer Abbott, Esq., M.P., called in, sworn, and examined:—

1. *Chairman.*] You are Member for Wentworth in the Legislative Assembly? Yes.
2. You represent the district in which it is proposed to establish this Gas Company? Yes. I may say that the Company has been formed and registered in Sydney under the Companies Act with a capital of £10,000, £8,000 of which has been subscribed.
3. Is the township of Broken Hill a municipality? No.
4. Are the residents in favour of its being made a municipality? They have applied for it to be incorporated, and the matter is now before the Executive Council, I believe.
5. I suppose that Broken Hill is a pretty large place? I have not been there since it has become a large place, but it has a population of 10,000 persons.
6. There are very rich mines all round the township? Yes.
7. And large workings are going on in all directions? Yes.
8. I suppose that the usual notices in connection with a private Bill have been given? Yes. I may state that the price of the gas has not been fixed in the Bill. It has been left to the Committee to say what it shall be; but of course in determining the price per cubic foot they will have to take into consideration the distance that the coal will have to be hauled.
9. There is nothing in the Bill to compel the inhabitants to use the gas unless they like? No.
10. Although it may be laid down all over the town, still no one need take it unless he likes? No. The Bill is a copy of the Tamworth Act.
11. If the charges for the gas are too high it is only natural to suppose that the people will not take it? Yes.
12. The charges would have to be in keeping with the demand? Yes.
13. It is more than likely that if any price were fixed in the Bill for the gas it would rest entirely with the people to say whether they would take it or not? Of course it would.
14. It is more than likely that the promoters will bring the gas within the reach of the inhabitants? Yes.
15. The coal would have to be brought a long way? Yes, from Newcastle.
16. Have you any idea of the cost of carriage from Newcastle to Broken Hill? I do not know what it is; but the general maximum price fixed for gas is about 16s. per 1,000 cubic feet. That is the price which is fixed in the Tamworth Act. There is a good deal of land carriage to Tamworth. It would be principally

J. P.
Abbott, Esq.,
M.P.
2 May, 1888.

J. P.
Abbott, Esq.,
M.P.
2 May, 1888.

principally water carriage to Broken Hill. I do not know what the price ought to be fixed at, but I think that 20s. would be a fair maximum. The Bill, I might mention, is designed to give any municipality which might be created powers which cannot be now given until there is a municipality in existence.

17. *Mr. Colls.*] Has there been a petition received against the Bill? No. Every one will be delighted to get the gas, I am sure.

18. Has there been any objection to the incorporation of Broken Hill as a municipality? I have not heard of any.

19. *Chairman.*] The Tamworth Act says that the price of the gas shall at no time exceed 15s. per 1,000 cubic feet? That would be a fair enough price for gas at Broken Hill, having regard to the cost of hauling the coal.

20. Have you read the Bill carefully? I drew it.

21. Does it contain any provision to compel the promoters to erect the gas-works within a certain time? I do not think there is any provision of the kind. I produce a copy of the memorandum of association; it is certified to by the Registrar-General. [*Appendix.*]

22. If there had been any objection to the Bill of course you would have heard of it? Everyone I have heard from is very anxious that the gas-works should be established.

Thomas Frederick De Courcy Browne, Esq., M.P., sworn, and examined in his place:—

T. F. D'C.
Browne, Esq.,
M.P.
2 May, 1888.

23. *Chairman.*] You are one of the Members for Wentworth? Yes.

24. The township of Broken Hill is situated within your electorate? Yes.

25. How long is it since you were there? Three months.

26. Have you any idea of the number of its inhabitants? The population is between 9,000 and 10,000.

27. What is the area of the township? It is 2 miles by 1½ mile.

28. Most of the population is located within that area? The whole of the population.

29. Have you been in communication with the townspeople? Yes, I know all about them.

30. Have you heard of any of them objecting to the erection of the gas-works? Oh, no; they are all in favour of the proposal. The whole of the capital was subscribed locally; it was subscribed in an hour.

The works are in course of construction. Some of the plant has arrived in Adelaide, and the remainder will arrive there in May.

31. That is a pretty good guarantee that the Company intend to go on with the works? Yes.

32. It is principally a mining population on Broken Hill? Purely so.

33. Will the gas be useful in mining operations? It may be used in some of the mines for lighting purposes—I mean in the surface workings and shallow workings where the ventilation is good. It will be used throughout the whole of the town.

34. Is the population increasing or decreasing? It is increasing steadily.

35. The mines are very rich? Yes.

36. The whole of the Company's coal would have to be taken from Newcastle? Yes.

37. Have you any idea of the cost of carriage between Newcastle and Broken Hill? It is about £2 18s. a ton for coal.

38. Then the coal would cost the Company nearly £4 a ton before it was delivered at Broken Hill? About £3 5s. a ton.

39. Do you think that the maximum price of the gas should be any less than 20s. per thousand cubic feet? I think that is a very reasonable amount.

40. *Mr. Hayes.*] It is rather a high rate? In the Orange Act the rate is fixed at 17s. 6d., in the Bathurst Act at 15s., in the Mudgee Act at 15s., in the Tamworth Act at 15s., and in the Goulburn Act at 15s.

41. *Chairman.*] Whatever the maximum price of the gas may be fixed at it will rest with the people of Broken Hill to say whether they will take it or not? Yes.

42. If it does not suit them to take the gas they need not use it? No.

43. There is no compulsion whatever in the matter? No.

44. I suppose it is more than likely that the promoters will make the charges as reasonable as possible? Yes, as low as possible. They do not want more than 8 or 10 per cent. dividend; all the shareholders are in business in the town.

45. It is a registered Company? Yes.

46. What is its capital? £10,000, in 10,000 shares of £1 each. 8,000 shares have been subscribed for, and the Company hold the remaining 2,000 shares in trust for the shareholders. They will sell them at a premium if it is required, but they do not intend at present to put them on the market.

47. I suppose the Bill is virtually a transcript of the Acts you have mentioned? Yes.

48. *Mr. Hayes.*] You limit the operations of the Company to the town and suburbs? To Broken Hill and suburbs.

49. *Chairman.*] Are you aware whether the Company require any amendment in the Bill? No, they are quite content with the Bill.

THE BROKEN HILL AND SUBURBAN GAS COMPANY'S BILL.

APPENDIX.

[*To the Evidence of J. P. Abbott, Esq., M.P.*]

MEMORANDUM of Association of the Broken Hill and Suburban Gas Company (Limited) —

- 1 The name of the Company is the "Broken Hill and Suburban Gas Company (Limited)."
 - 2 The registered office of the Company will be situated in Broken Hill, in the Colony of New South Wales.
 3. The objects for which the Company is established are—
 - (a) To manufacture gas, and supply the same in the town and suburbs of Broken Hill, and in such other places as shall be determined upon by the said Company, and to carry on the business of a Gas Company in all its branches
 - (b) To manufacture, render saleable, and deal in coke, tar, pitch, asphaltum, and all residual products obtained in the manufacture of gas.
 - (c) To conduct and maintain works for manufacturing, receiving, and purifying gas, and all other works, buildings, pipes, plant, machinery, appliances, and apparatus necessary or proper for the manufacture or supply of gas.
 - (d) To purchase, lease, exchange, or otherwise acquire lands, buildings, easements, collieries, plant, machinery, and all other real and personal property, and any rights and privileges necessary to or convenient for the said Company for the purposes of its undertaking.
 - (e) To purchase or otherwise acquire and undertake all or any of the business property and liabilities of any other Company engaged in or in any way connected with the manufacture of gas.
 - (f) To borrow or raise money by the issue of or upon bonds, debentures, bills of exchange, promissory-notes, or other obligations or securities of the Company, or by mortgage or charge of all or any part of the property of the Company, or of its uncalled capital, or in such other manner as the Company shall think fit.
 - (g) To invest the moneys of the Company not immediately required upon such securities as may from time to time be determined.
 - (h) To sell, improve, manage, develop, lease, mortgage, dispose of, exchange, or otherwise deal with all or any part of the property of the Company.
 - (i) To increase or reduce the capital of the Company to such amount as may be found desirable.
 - (j) To obtain an Act or Acts of Parliament and all other powers and authorities for enabling the Company to carry into effect all or any of its objects.
 - (k) To do all such other things as are incidental to or necessary for, or conducive to, the above objects, or any of them.
 - 4 The liability of the members is limited.
 5. The capital of the Company is ten thousand pounds, divided into ten thousand shares of one pound each.
- We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Company set opposite to our respective names

Names and addresses and description of Subscribers	Number of Shares taken by each Subscriber
H. H. Schlapp, Broken Hill, Smelter	1,000
S. R. Wilson, Broken Hill, Mine Manager	1,000
Z. Lane, Broken Hill, Mine Manager	1,000
For Wm. Jamieson, Wm. R. Anson, Melbourne...	1,000
Wm. R. Anson, Melbourne	1,000
W. H. Morish, Broken Hill	1,000
Richard Piper, Broken Hill, Mine Manager	1,000
James Boughtinan, Broken Hill, Mine Manager	1,000
Total shares taken.	8,000

Dated this 14th day of December, 1887.

Witness to above signatures,—
JUSTIN McCARTHY,
Solicitor, Broken Hill.

I certify that the above and two preceding contain a true copy of the original Memorandum of Association of the Broken Hill and Suburban Gas Company (Limited).

Dated at Sydney this thirtieth day of April, one thousand eight hundred and eighty-eight.

E. G. WARD,
Registrar-General,
Acting as Registrar of Joint Stock Companies.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BROKEN HILL TRAMWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
28 February, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 28. THURSDAY, 17 NOVEMBER, 1887.

4. **BROKEN HILL TRAMWAY BILL** (*Formal Motion*):—Mr. O'Connor moved, pursuant to Notice,—
- (1.) That the Broken Hill Tramway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Sutherland, Mr. Black, Mr. Bowman, Mr. Cooke, Mr. Crouch, Mr. Davis, Mr. Dibbs, Mr. Matheson, Mr. Melville, and the Mover.
- Question put and passed.

VOTES No. 34. TUESDAY, 29 NOVEMBER, 1887.

9. **BROKEN HILL TRAMWAY BILL**:—Mr. De Courcy Browne presented a Petition from William Peter Macgregor, William Robert Wilson, and William Jamieson, of Broken Hill, alleging that they will be seriously and injuriously affected and prejudiced, and subjected to great loss, if the Broken Hill Tramway Bill is passed into law; and praying that they may be heard by Counsel, Attorney, or Agent, or in person, before the Select Committee to which the Bill has been referred, with liberty to adduce such evidence as they may be advised in opposition to the Bill and in support of their Petition.
- Petition received, and referred to the Select Committee on the Bill.

VOTES No. 36. THURSDAY, 1 DECEMBER, 1887.

3. **BROKEN HILL TRAMWAY BILL**:—Mr. O'Connor, 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 consideration and report this Bill was referred on 17th November, 1887, together with a copy of the Bill as amended and agreed to by the Committee.
- Mr. O'Connor moved, "That" the document be printed.
- Mr. Abbott moved, That the Question be amended, by the omission of all the words after the word "That," with a view to the insertion in their place of the words, "the Report be referred back to the Select Committee, for the purpose of taking the evidence as set out in the Petition of Messrs. Macgregor, Wilson, and Jamieson, presented to this House on 29th November, and referred by the House to the Committee."
- Question proposed,—That the words proposed to be omitted stand part of the Question.
- Debate ensued.
- Question put and negatived.
- Question,—That the words proposed to be inserted in place of the words omitted be there inserted,—put and passed.
- Question then,—That the Report be referred back to the Select Committee, for the purpose of taking the evidence, as set out in the Petition of Messrs. Macgregor, Wilson, and Jamieson, presented to this House on 29th November, and referred by the House to the Committee,—put and passed.

VOTES No. 59. TUESDAY, 28 FEBRUARY, 1888.

2. **BROKEN HILL TRAMWAY BILL**:—Mr. O'Connor, 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 consideration and report this Bill was referred on 17th November, 1887, and to whom the Report was referred back on the 1st December, 1887, for further evidence, together with a copy of the Bill, as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

 BROKEN HILL TRAMWAY BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 17th November, 1887,—the “*Broken Hill Tramway Bill*,” and to whom on the 1st December, 1887,—“*the Report was referred back for the purpose of taking the evidence as set out in the Petition of Messrs. Macgregor, Wilson, and Jamieson*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose * See list, p. 7. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule to the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

DANIEL O'CONNOR,
Chairman.

No. 3 Committee Room,
Sydney, 23rd February, 1888.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 22 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. O'Connor,	|	Mr. Cooke,
Mr. Crouch,	|	Mr. Bowman,
	Mr. Melville.	

Mr. O'Connor called to the Chair.
Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.
Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Present :—A. R. Butterworth, Esq. (*Counsel for the Bill*).
Alexander Riddel, Esq., J.P., called in, sworn, and examined.
Witness *produced* a plan of the proposed Tramway.
Room cleared.
Committee deliberated.

[Adjourned to Thursday next, at half-past *One* o'clock.]

THURSDAY, 24 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. O'Connor in the Chair.		
Mr. Cooke,	|	Mr. Davis,
Mr. Bowman,	|	Mr. Melville,
	Mr. Crouch.	

Present :—A. R. Butterworth, Esq. (*Counsel for the Bill*).
Alexander Riddel, Esq., J.P., called in and further examined.
Witness withdrew.
Mr. Samuel Barrett called in, sworn, and examined.
Room cleared.
Committee deliberated.

[Adjourned to To-morrow, at half-past *Ten* o'clock.]

FRIDAY, 25 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. O'Connor in the Chair.		
Mr. Matheson,	|	Mr. Cooke,
	Mr. Crouch.	

Present :—A. R. Butterworth, Esq. (*Counsel for the Bill*).
Mr. Charles Bath called in, sworn, and examined.
Witness withdrew.
Mr. Arthur Ebsworth called in, sworn, and examined.
Witness withdrew.
Mr. Charles John Royle called in, sworn, and examined.
Witness withdrew.
Charles Launcelot Garland, Esq., M.L.A., called in, sworn, and examined.
Witness withdrew.
Mr. Alexander Matheson called in, sworn, and examined.
Room cleared.
Committee deliberated.

[Adjourned to Tuesday next, at half-past *One* o'clock.]

TUESDAY, 29 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. O'Connor in the Chair.		
Mr. Black,	|	Mr. Crouch,
	Mr. Bowman.	

Present :—A. R. Butterworth, Esq. (*Counsel for the Bill*).
Mr. Harry Bingham Thomas called in, sworn, and examined.
Witness *produced* a Declaration from six hundred and one residents of the Barrier in favour of the Bill.
Room cleared.

Preamble

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Counsel called in and informed.

Clauses 1 to 25 inclusive read and agreed to.

Clause 26 read, amended,* and agreed to.

Clause 27 read, amended,* and agreed to.

Clauses 28 to 54 inclusive read and agreed to.

Clause 55 read, amended*, and agreed to.

Clause 56 read and agreed to.

Schedule read, amended,* and agreed to.

Title read and agreed to.

Chairman to report the Bill with amendments to the House.

* See Schedule of Amendments.

THURSDAY, 22 DECEMBER, 1887.

MEMBERS PRESENT:—

Mr. O'Connor in the Chair.

Mr. Bowman,
Mr. Cooke,

Mr. Melville,
Mr. Sutherland.

Entries from Votes and Proceedings referring the Report back to the Committee, and referring the Petition of Messrs. Macgregor, Wilson, and Jamieson in opposition to the Bill read by the Clerk.

Present:—For the Promoters, Harry Bingham Thomas, Esq. (*Solicitor for the Bill*).

For the Petitioners against the Bill, the Honorable H. E. Cohen (*Counsel*).

Mr. Cohen addressed the Committee in opposition to the Bill.

Room cleared.

Committee deliberated.

[Adjourned to Thursday, 9 February, 1888, at half-past One o'clock.]

THURSDAY, 9 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. O'Connor in the Chair.

Mr. Matheson,

Mr. Melville.

Mr. Cooke,

Present:—For the Promoters, Harry Bingham Thomas, Esq. (*Solicitor for the Bill*).

For the Petitioners against the Bill, the Honorable H. E. Cohen (*Counsel*).

Thos. Frederic de Courcy Browne, Esq., M.L.A., called in, sworn, and examined.

Cross-examined by Mr. Thomas.

Room cleared.

Committee deliberated.

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

WEDNESDAY, 15 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. O'Connor in the Chair.

Mr. Melville,

Mr. Bowman.

Mr. Cooke,

Present:—For the Promoters, Harry Bingham Thomas, Esq. (*Solicitor for the Bill*).

For the Petitioners against the Bill, R. J. Browning, Esq. (*Counsel*).

Thos. Frederic de Courcy Browne, Esq., M.L.A., called in and further examined.

Witness withdrew.

William Peter Macgregor, Esq. (*Petitioner against the Bill*), called in, sworn, and examined.

Cross-examined by Mr. Thomas.

Room cleared.

Committee deliberated.

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

FRIDAY, 17 FEBRUARY, 1888.

The House having adjourned until Tuesday, no meeting could be held.

TUESDAY,

TUESDAY, 21 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. O'Connor in the Chair.
Mr. Crouch, | Mr. Cooke,
Mr. Bowman.

Present:—For the Promoters, A. R. Butterworth, Esq. (*Counsel for the Bill*).

For the Petitioners against the Bill, the Honorable H. E. Cohen (*Counsel*).

James Angus, Esq., called in, sworn, and examined.

Cross-examined by Mr. Butterworth.

Witness withdrew.

Max Thompson, Esq., called in, sworn, and examined.

Cross-examined by Mr. Butterworth.

Room cleared.

Committee deliberated.

[Adjourned to To-morrow, at half-past *Ten* o'clock.]

WEDNESDAY, 22 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. O'Connor in the Chair.
Mr. Matheson, | Mr. Crouch,
Mr. Cooke, | Mr. Bowman.

Present:—For the Promoters, A. R. Butterworth, Esq. (*Counsel for the Bill*).

For the Petitioners against the Bill, the Hon. H. E. Cohen (*Counsel*).

Charles Augustus Goodchap, Esq. (Commissioner for Railways), called in, sworn, and examined.

Room cleared.

Committee deliberated.

[Adjourned to To-morrow, at half-past *One* o'clock.]

THURSDAY, 23 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. O'Connor in the Chair.
Mr. Cooke, | Mr. Crouch,
Mr. Bowman.

Present:—For the Promoters, A. R. Butterworth, Esq. (*Counsel for the Bill*).

For the Petitioners against the Bill, the Hon. H. E. Cohen (*Counsel*).

Duncan Grant, Esq., called in, sworn, and examined.

Room cleared.

Committee deliberated.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Clauses 1 to 25 read and agreed to.

Clause 26 read, *amended, and agreed to.

Clauses 27 to 56 read and agreed to as previously amended.

Schedule read and agreed to as previously amended.

Title read and agreed to.

Chairman to report the Bill with further amendments to the House.

SCHEDULE OF AMENDMENTS.

Page 11, clause 26. *Omit* from “Every,” in line 7, to “railroad” in line 43, and *insert*

26. Every bridge to be erected for the purpose of carrying the said Tramway over any road shall be built in conformity with the following regulations, namely:—

The width of the arch or opening shall be such as to leave thereunder a clear space of not less than thirty feet between the abutments at the level of the surface of the road and up to a height of twelve feet therefrom if the arch or opening be over a public road, and of not less than twenty feet at the level of the surface of the road and up to a height of twelve feet therefrom if the arch or opening be over a parish road (not being a tramroad or railroad), and of not less than twelve feet if over a private road (not being a tramroad or railroad), and of not less than twenty-five feet if over a tramroad or railroad.

The clear height of the arch or opening from the surface of the road shall be not less than sixteen feet for a space of twelve feet if the arch or opening be over a public road, and not less than fifteen feet for a space of ten feet if over a parish road, and not less than fourteen feet for a space of nine feet if over a private road in case such public road, parish road, or private road respectively is not a tramroad or railroad, and in case such road is a tramroad or railroad then the clear height of the arch or opening from the surface of such road shall be not less than seventeen feet for a space of twenty-five feet.

The descent to be made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a public road, one foot in twenty feet if over a parish road, and one foot in sixteen feet if over a private road, in case such public road, parish road,

road, or private road respectively is not a tramroad or railroad, and in case such road is a tramroad or railroad the descent shall not be greater than the ruling gradient of such tramroad or railroad.

And every bridge erected for carrying any road over the said tramway shall be built in conformity with the following regulations, that is to say :—

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet.

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a public road, and twenty-five feet if it be a parish road, and twelve feet if a private road.

The ascent shall not be more than one foot in thirty feet if the road be a public road, and one foot in twenty feet if a parish road, and one foot in sixteen feet if a private road, in case such public road, parish road, or private road respectively is not a tramroad or railroad, and in case such road is a tramroad or railroad the ascent shall not be greater than the ruling gradient of such tramroad or railroad.

Page 12, clause 27, line 26. *Omit* "thereunto" *insert* "therewith"

Page 19, clause 55, line 46. *Omit* "two" *insert* "four"

Page 20, schedule, line 24. *Omit* "eastern" *insert* "western"

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BROKEN HILL TRAMWAY BILL.

TUESDAY, 22 NOVEMBER, 1887.

Present:—

MR. O'CONNOR,		MR. COOKE,
MR. BARBOUR,	|	MR. CROUCH,
	MR. MELVILLE.	

D. O'CONNOR, ESQ., IN THE CHAIR.

Mr. Butterworth, Barrister-at-law, appeared on behalf of the promoters of the Bill.

Alexander Riddel, Esq., called in, sworn, and examined:—

1. *Mr. Butterworth.*] Do you reside at Broken Hill? I reside at Thackaringa.
2. You have resided in the district for some time? For three and a-half years.
3. I think you were formerly journalist at Broken Hill? Yes; owner of the *Broken Hill Times*.
4. What are you at present? Mine-owner.
5. How far is Broken Hill from Thackaringa? About 22 miles.
6. And you know the line of country which will be traversed by the proposed tramway? I do.
7. Are you acquainted with the requirements and general features of the country? Yes.
8. Do you know that the Government of South Australia have constructed a railway to the South Australian Border, at the town of Cockburn, where the proposed tramway will terminate? Yes.
9. How far is Cockburn from Thackaringa? Eight miles.
10. Then that would make the whole distance from Cockburn to Broken Hill *via* Thackaringa about 28½ miles? Yes.
11. On the first part of the proposed line, from Cockburn to Thackaringa, the country is not mineral? No; it is a plain.
12. What would be the length of that part of the line running through Thackaringa Mines? About 3 miles.
13. *Chairman.*] Will it run right through the mines? Yes; there will be mines on both sides. There are about twenty-eight good mines there; silver and lead mines; and copper is also found there in large quantities.
14. *Mr. Butterworth.*] And would the line go entirely through leases which have been granted? Largely so.
15. The next mining place after leaving Thackaringa would be the Pinnacles;—how far is that? About 12 miles.
16. Does the line there pass through leases or near leases? The Big Hill mines are on the south side of it, about 3 miles away.
17. Is the land the line will pass through all leased land? No; it is nearly all Crown land after you leave Thackaringa.

A. Riddel,
Esq.
22 Nov., 1887,

- A. Riddel,
Esq.
22 Nov., 1887.
18. How far would the Pinnacles be from the line? They would be close by—not half a mile off.
 19. And then the mines on both sides would be a little further off. What is the distance from the Pinnacle mines to Broken Hill township? Between 7 and 8 miles.
 20. Does the route pass through many leases? Yes; it passes close to the White Lead country, which is a continuation of the Broken Hill lode.
 21. Then there seems to be, from the plan, a continuation of mines from the White Lead right up beyond Broken Hill through to the "Mount Gipps Hotel"? Yes.
 22. That is the end of the proposed line? Yes.
 23. And the proposed line would go along the whole of that route? Along the line of the lode all the way.
 24. What is the distance that it would pass through the township? About $1\frac{1}{2}$ mile in the town; with the reserves adjoining, about 2 miles.
 25. And from Broken Hill township the line would proceed to Taltingan? Yes.
 26. *Mr. Cooke.*] Who is the owner of the land at Broken Hill through which the line would pass? There are tramway reserves in the town.
 27. *Mr. Butterworth.*] Will the portion of the line from Broken Hill to Taltingan run through leases? A few; I think three or four.
 28. Is there much land for sale in that part? No.
 29. What is the distance from Taltingan to the "Mount Gipps Hotel"? That will be about 9 miles.
 30. Will the line pass close to many lodes in that part? Yes; along the foot of the hills all the way.
 31. The Silverton tramway line is not to go beyond Broken Hill? No; that is the terminus at present.
 32. The proposed terminus for this line is immediately opposite the "Mount Gipps Hotel"? Yes.
 33. On the south side of the creek? Yes, Stephen's Creek—the present water supply.
 34. Will the construction of this line increase the value of the land in the different townships? Yes.
 35. What is the population of Cockburn, where the line commences? The population of Cockburn is about 250.
 36. What is the population of the other places on the line? The populations are—Thackaringa, 200; Pinnacles, 200; Broken Hill, 5,000; Taltingan, 350; Mount Gipps, about 100; and at the intermediate mines there will be about 300 inhabitants scattered along the track.
 37. Are there a good many mines at Rockwell Paddock? About 130 leases on parallel lodes to that of Broken Hill.
 38. Therefore it would run parallel to the proposed tramway? Yes.
 39. How far would that be from Broken Hill? The connection would be at Taltingan. The road there comes in from the Rockwell district. Down to the south end of Broken Hill it will be between 8 and 9 miles.
 40. Do you know the present population of this place? Rockwell has about 200 inhabitants, but it is rapidly increasing.
 41. I see on the plan a few mines marked below Rockwell Paddock? Those are big copper-mines, Pretty's copper-mines. He is working them, and exporting a large quantity of stuff down the Darling.
 42. That will be south-west of the line? The nearest point for him will be the Pinnacles.
 43. How far would that be? About 8 or 9 miles.
 44. Is that a continuation of this lode that you speak of? Yes, a continuation of the same mineral country.
 45. Is the population increasing in those places? Yes, very rapidly. They cannot get a sufficient number of miners.
 46. And along the proposed line is the population increasing in those other places? Yes. Thackaringa has only been settled five months, and there is a public concentrating apparatus to treat the poorer class of ores, and the bigger Companies are going to work the heavy stuff.
 47. With respect to Silverton, is the population increasing there? No; it has decreased by one half.
 48. Within what time? The last ten months.
 49. Is it still decreasing? Yes. It had a slight increase from the railway works, but that was only temporary.
 50. Was there telegraph communication with Silverton sometime before the telegraph communication was established with Broken Hill? Yes.
 51. Would that be between Silverton and Wilcannia? No, Menindie.
 52. And it would go on from that place to Sydney? To Wentworth, and then to Sydney and Adelaide.
 53. Do you know when telegraph communication was opened with Broken Hill? It was on the 20th August last year.
 54. And how long before had it been open to Silverton? About twelve months.
 55. Was there a large increase of population in Broken Hill immediately after the opening of the telegraph? No, there was a uniform increase independent of the telegraph. It was as low as 1,500, but now the population is 5,000.
 56. Was there a large exodus from Silverton to Broken Hill? Yes, immediately before the opening of the telegraph and since.
 57. I suppose that the value of the land about Silverton has gone down since the time that the tramway first started? Yes, it is unsaleable at the Crown Lands upset price.
 58. Do you happen to know the distance by the present route passing through Silverton from Cockburn to Broken Hill? I think about $33\frac{1}{2}$ miles.
 59. Are there many mines along that line? There is only one—the Umberumberka.
 60. What is the relative value of the land in Broken Hill now, comparing it with the time when this scheme was first mooted? It has not influenced it in any way. If you mean from the time that the proposed line was mooted, I may mention that it was promoted simultaneously with the Silverton tramway. Twelve months ago a block of land comprising a quarter of an acre in the centre of the town was pegged out in the salt bush. It is now worth about £1,500.
 61. *Mr. Butterworth.*] Would the construction of the tramway increase settlement? Yes; but it would be of greater importance in cheapening the cost of carrying the minerals to market.
 62. It will cheapen it very considerably, I suppose? Yes; and the public concentrating works will be in operation, and we shall be able to send the mineral to Adelaide.
 63. There are large works being put up at Thackaringa, are there not? Yes.

64. For smelting have they to bring their coke from a distance? Yes; from the seaboard—from Port Harry.
65. I understand that these mines are chiefly silver and lead mines? Yes; except those at Thackaringa. That has more clean ores than the others. The Pinnacle and Rockwell, and White Lead all require concentration.
66. And ore of that description costs much more for carriage? It will not pay at all unless the freight is very low.
67. And when the ore is much more valuable, as when it is silver ore, there is much less freight? Yes; when it is concentrated. There are ores at Broken Hill south which cannot be concentrated, and which will not pay for mining and exporting.
68. Then if the line is constructed do you think it will enable silver-mines to be worked at a profit which cannot be worked at a profit now? Decidedly.
69. It will tend to develop the mineral lands through which it passes? Yes.
70. With respect to whose lines along the line of the proposed tramway between Broken Hill and the "Mount Gipps Hotel," what are they? Of the same class as the White Lead. The ore requires concentration.
71. Therefore there would be a great deal of freight in the working of these? Yes.
72. Have you any knowledge of the cost of constructing such works as tramways? No; but I can say that there are no engineering difficulties on the road. There are not more than two cuttings of any importance on the whole track.
73. Were are they? Both at Thackaringa.
74. What class of country is it? It is a plain, or undulating country, consisting of ridges of very low hills.
75. I suppose you could give us no idea of the cost of the line? I should think it would be about £1,500 a mile.
76. And if the line were made in your opinion there would be much more employment for miners opened up along the route? Yes.
77. Would other portions of the field be benefited by the construction of the line? Yes; all the mines east and north of the terminus, more especially those of the new Waukaroo tin-field.
78. How far would the Waukaroo tin-field be from the "Mount Gipps Hotel"? The nearest point would be about 10 miles from the terminus of the line.
79. Would that be to the north-west? A little to the north-west. It is on the Yaukawena Creek.
80. How far is Silverton from Waukaroo? About 16 miles.
81. *Mr. Cooke.*] What is the character of the land through which it passes? Excellent land, with no water—saltbush country.
82. Where do you get the timber from? From South Australia.
83. *Mr. Butterworth.*] Then this proposed line would serve a number of mines that are at present without accommodation? Yes.
84. And supposing the Silverton Tramway Company carried the whole output of the mines adjacent to it, will there not in your opinion still be ample business for the new Company? Yes, certainly.

A. Riddel,
Esq.
22 Nov., 1887.

THURSDAY, 24 NOVEMBER, 1887.

Present:—

MR. BOWMAN,
MR. COOKE,

MR. CROUCH,
MR. DAVIS,

MR. MELVILLE.

D. O'CONNOR, Esq., IN THE CHAIR.

Mr. Butterworth, Barrister-at-law, appeared on behalf of the promoters of the Bill.

Alexander Riddel, Esq., recalled, and further examined:—

85. *Mr. Butterworth.*] I asked you a question yesterday which I believe you did not quite understand; I want to know whether in the Government townships of Thackaringa, the Pinnacles, Broken Hill, and Talingan there is a great deal of land for sale? Yes, I understood you to ask about the surrounding country.
86. *Mr. Davis.*] I presume that the intervening land is taken up for mineral purposes? Yes, where marked on the map.
87. *Mr. Butterworth.*] Is it a fact that the Broken Hill tramway will give access to the following mines at Thackaringa:—The Pioneer, Gipsy Girl, Thackaringa Syndicate, Alberta, Hibernian, Comstock, Bonanza, Gipsy Boy, Lady Brassey, Gipsy Queen, Homeward Bound, Dan O'Connell, King William, and Goat Hill? Yes, it will give access to those mines.
88. Are there other mines besides those at Thackaringa? There are.
89. Are all those mines I have mentioned at work? No; most of them are.
90. Does the Big Hill Mining Company's claim lie between Thackaringa and the Pinnacles? Yes.
91. Is it a large lode? Yes.
92. Nearly as big as the Broken Hill lode? Yes.
93. Is work carried on in it? Yes.
94. You know the Pinnacle Mines? Yes.
95. Are they at work? Yes.
96. How many mines are at work there? About eighty—that is at the Pinnacle Tribute Mine alone.
97. Are there other mines at the Pinnacles at work? Yes.
98. How many tons a day of ore do they produce? About 25 tons of ore concentrates from the treatment of 100 tons of crude ore.
99. Is the output likely to increase? Yes.
100. Has a large amount of capital been spent in the mine? Yes.
101. Do you know how much? I should think about £60,000.

A. Riddel,
Esq.
24 Nov., 1887

- A. Riddel,
Esq.
24 Nov., 1887.
102. Will the tramline affect those mines in regard to carriage? Yes.
103. Both of ore and of produce? Yes, coke and timber will have to be carried; the timber comes from South Australia.
104. The produce of that mine is at present sent away by bullock teams, is it not? Yes.
105. At a cost of how much per ton? Fifteen shillings.
106. What would be the cost to carry it by the tramway? I think it would be 5s. a ton.
107. Do you know the Lady Bevy's, the North Pinnacle, and Stirling Hill? Yes.
108. Where is that? As near to the line as the Pinnacle Tribute, one on each side; the Lady Bevy's is on the line of the track.
109. The route of the tram seems to pass through the Pinnacles; if the line is correctly marked on the map the Lady Bevy's is south of it and close to it.
110. Are these mines at work? Yes, the Lady Bevy's has a lead 40 feet thick, and fifteen men are in constant employment there.
111. And how many at Stirling Hill? Stirling Hill has about six men employed.
112. And how many at the North Pinnacles? About four I think.
113. Are those mines at work? Yes.
114. Are they likely to produce a large quantity of ore? Yes.
115. And are they all close to the proposed tram-line? Yes.
116. And what would be the nearest tram-line for them at present? It would be the Silverton tram, towards the Nine-mile; but instead of taking the stuff there they go to Cockburn by bullock team.
117. Because it would be so far across? Yes.
118. How far would it be? About 5 miles from Stirling Hill, and more from the other places.
119. Would the following mines be served by the Broken Hill tramway:—White Lead, White Lead South, Central White Lead, Rising Sun, White Lead Proprietary, Broken Hill South Extended, Central Broken Hill, Broken Hill Extended? Yes, those mines will be served by the line.
120. Are those valuable mines? They are.
121. All at work? Yes, all at work.
122. Is the output likely to be large? Yes.
123. Would they be better served by the Broken Hill tramway than by the present one? Decidedly.
124. Will the Broken Hill proprietary's property be better served by this new tramway than by the present one? Yes, inasmuch as the distance will be 5 miles shorter than the other.
125. I want to ask a question about the mines lying beyond Broken Hill, towards the proposed terminus at Mount Gipps. Are the following the chief mines to which the Broken Hill tramline will give access:—Round Hill, Consolidated Big Hill, Round Hill No. 1, White and Co., Beehive, Barrier Queen, J. J. Williams, Broken Hill Junction, Broken Hill North, Victoria Cross, Imperial Blocks, Cosgrove's Dream, Sultan, Copper Blow, Potosi, George, and the Broken Hill United? Yes, it will give access to all those mines.
126. Are they, with one or two exceptions, all at work? Yes.
127. And does the present price of stock in those mines show that the public have confidence in their future? Yes.
128. And none of these mines are directly served by the Silverton tramway at present? No, not directly.
129. They are beyond the terminus? Yes.
130. The produce of these mines which I have mentioned is silver, lead, and copper? Yes.
131. Are the chief copper-mines Thackaringa, Pretty's, and the Anaconda? Yes.
132. And with those exceptions they are chiefly silver and lead? Yes.
133. Now, to come to the proposed tramline;—are the following mines at work within a radius of (say) 5 miles of the terminus of the lines:—Eaglehawk, Grace Darling, the Minerva, Moorkaie, and the Silver Age? Yes.
134. Have those lines big lodes? Some of them.
135. Which? The Silver Age, the Moorkaie, and the Minerva.
136. From your personal knowledge can you say that all these mines are within 5 miles of the proposed terminus? Yes, less than 5 miles.
137. Then, to come to the Poolamacca mine. Will the construction of the tramway lessen the carriage to that mine? Yes.
138. By how much? By a distance of about 10 miles.
139. Are the Poolamacca tin-mines having a large output? They will presently if they have not hitherto. Machinery is being erected.
140. Is the present price of the shares of this mine high? Yes.
141. I mentioned, yesterday, the Waukaroo mines;—are they tin-mines? Yes.
142. Are they numerous and large? Yes; there must be 150 leases of 40 acres each.
143. How many of them are at work? About twenty. None of the leases are issued, but twenty of them are nevertheless at work.
144. *Chairman.*] Do you mean to say that they have been refused, or that they are waiting for the leases? They are waiting. There has not been time to issue the leases.
145. *Mr. Butterworth.*] I think it was mentioned yesterday that the Waukaroo mines are about 9 miles from the terminus? Yes.
146. What would it save in carriage going to the terminus instead of to the present tramway? It would save at least 10 miles.
147. Is the Yankowena close to Waukaroo? Yes, at the southern end of Waukaroo, near the creek.
148. Are there any buildings in that town? Yes, two hotels, and stores.
149. Is it likely to be a large settlement? There are likely to be three settlements within 5 miles of there.
150. I want you to speak about the mines at the Rockwell Paddock. Are the following mines in that district at work:—Sydney Rockwell, Melbourne Rockwell, Central Rockwell, Dora Maiden's Rockwell, Arnheim's Rockwell, Wilcannia Syndicate, Red Hill, Stansfield's, De Baun's, Anaconda, and others? Yes, those mines are at work, with three exceptions. There are three not at work.
151. Are those lodes large? Yes, very large.
152. What is the distance between Broken Hill and Parnamoota? About 20 miles.
153. And how far from Silverton is it? The same distance.

A. Riddell,
Esq.

24 Nov., 1887.

154. Are the mines round Purnamoota valuable mines? Some of them are.
155. With large lodes? No, small, rich lodes.
156. Speaking generally, in the district that the proposed tramline would serve are there millions of tons of ore which, with better facilities for communication, ought to give a large profit? Certainly.
157. Are they chiefly low grade ores? The Rockwell paddock ores are chiefly low grade ores.
158. And the other mines along the line? There are numbers not mentioned which have not been fully developed.
159. And would many of them pay? Yes, with concentration it would pay to work them.
160. Although they would not pay at the present high rate for trucking? No.
161. You speak of the whole district as the Barrier? Yes.
162. Can you give some idea of the population of the Barrier? Upwards of 8,000 at present.
163. And how many of that population will be affected by this proposed tramway? About 6,500.
164. Besides that, are you of opinion that the tramway will tend to promote settlement? Yes; there are homestead lessees about there.
165. Besides the present mode of transit being so expensive, is great delay sometimes caused by the use of bullock drays? Yes.
166. In wet weather? Yes, they get bogged; and in dry weather there is a scarcity of teams.
167. And great difficulty in getting water, is there not? Yes.
168. Have they frequently to go many miles out of their way to get water? Yes, 5 or 10 miles off the main track. It is not so much that they come off the line as that they have to go off the camping ground, going further away before stopping, and carrying food for the cattle.
169. What effect has that? It makes the carriage dearer. They have to camp perhaps two days before proceeding again.
170. Are the people of the district, speaking generally, favourable to the tram? Yes, very favourable.
171. Have you spoken to a large number of them on the subject? I have.
172. And, speaking generally, this tramway opens up to a great extent a different line of country from that opened up by the Silverton tramway? All except Broken Hill, that is the only point at which the Silverton tramway touches it.
173. I believe this produce from the Barrier, speaking generally, cannot be carried to the New South Wales seaboard at remunerative rates? No.
174. The distance is too great? Yes.
175. It is over 800 miles, I believe? About 800 as compared with 260 to Port Parry.
176. In the event of the Bill passing, do you know how long it would take to construct the line? I should say within nine months.
177. And it would be, in your opinion, a great public convenience? Yes.
178. Is there a large pastoral settlement that would be benefited by the line? Yes, towards the north.
179. Is all the country about there occupied pastorally? Yes.
180. And as more mines are opened up there will be a greater demand for coals? No, the ore will be sent to the seaboard, where the smelting will be done. They concentrate it and send it away. But there will be a large timber trade from South Australia.
181. The tendency is to send the ore to the seaboard? Yes.
182. Are the ores rich in silver smelted on the field? Yes.
183. The coke which is at present brought into the field is only the coke which is used by the Broken Hill Proprietary Company? That is so.
184. Looking at the plan generally, can you say that it fairly represents the position of the different places upon it? Yes, it does. It is my own plan, and was issued as a supplement to the *Broken Hill Times* some time ago. [*Plan produced.*]
185. I want you to look at the account given at the back of the plan. You see the names of a number of mines, and the market value of those mines on October last, given. Can you tell me if the following values were the fair market values on 10th October last:—

Broken Hill, Proprietary...	...	...	...	...	...	£3,040,000
" Block 14	...	...	...	...	...	850,000
" South	...	...	...	...	...	80,000
" North	...	...	...	...	...	54,000
" Junction	...	...	...	...	...	150,000
" Extended	...	...	...	...	...	5,000
" Central	...	...	...	...	...	66,225
Big Hill	...	...	...	...	...	11,250
Pinnacles	...	...	...	...	...	169,250
Round Hill	...	...	...	...	...	56,000
Gipsy Girl	...	...	...	...	...	12,800
Pioneer	...	...	...	...	...	50,000
Lady Brassey	...	...	...	...	...	16,000
Rising Sun	...	...	...	...	...	40,000
South Broken Hill, Extended	...	...	...	...	...	20,000
Victoria Cross	...	...	...	...	...	32,000
Imperial	...	...	...	...	...	21,000
Cosgrove's Dream	...	...	...	...	...	50,000
						£4,723,525?

They were, but they are higher now.

186. And besides the mines mentioned, are there many others which are not upon the market? Yes.
187. I will ask one more question with regard to the plan;—are there a number of holdings not shown on the plan which have been taken up since the plan was made? Yes, and numbers of them are being worked.
188. Of course the names of many individual mines do not occur here? No. At Thackaringa alone there are over sixty. They are shown on the plan, but not named.

- A. Riddel,
Esq.
24 Nov., 1887.
189. *Chairman.*] Are you in a position to show of your own knowledge that the people in the district from Thackaringa along the route are favourable to the construction of the proposed tramway? Yes, very largely so.
190. *Mr. Cooke.*] I want to ask you a question about the character of the land;—what sort of land is it through which the line will pass? An excellent red loam, which would grow anything with rain or with irrigation.
191. Any water? No.
192. What kind of timber is there? There is no timber, it is only scrub.
193. Where is the nearest timber found? At Werribara, in South Australia.
194. What distance is that from the mines? 180 miles.
195. What is the cost of the timber per 100 feet? About 18s.
196. And what kind of timber is used in the mines? Large heavy timber, either round or square—hard-wood.
197. Is not soft wood or Australian pine used? No.
198. What size are the blocks along the line shown on the plan? The average is 40 acres.
199. And what number of population do you think there is between Cockburn and Broken Hill, not including Cockburn, that will be benefited by the line? About 250 at present.
200. Are most of the lodes opened up? No; they are waiting for something to turn up.
201. What do you mean? Some method of treating the ores or reducing them.
202. Do you wish me to understand that the opening of the line will help to facilitate the opening up of the country? Yes, especially with regard to taking the ores to the concentrator at Thackaringa.
203. And 250 will be benefited by that? Probably more than that number—350.
204. Did you not say yesterday that there are 200 people at Thackaringa? Somewhere about that. That includes the inhabitants all round Thackaringa.
205. You said yesterday that the Rockwell lodes were 5 or 6 miles from the tramway? Fully that.
206. Will this be the nearest and best route from the mines to the smelting works? Yes.
207. And the line will serve the mines at Rockwell also? Yes.
208. Do you know of any interest that will be injured by the construction of the line? None, except the Silverton Tramway Company.
209. *Chairman.*] The people in the district will not be injured? No, none of them.
210. *Mr. Crouch.*] Has there been any expression of public opinion on the part of the residents of Broken Hill to the proposed tramway? A petition has been signed, according to a telegram in this morning's *Herald*, by 1,000 people in the district in favour of the proposed tramway.
211. *Mr. Bowman.*] Are you one of the syndicate? No, I am not, but I am a mine-owner in the district.
212. *Mr. Crouch.*] What distance will be saved by the construction of the line? Five miles from Broken Hill.
213. And what saving do you reckon that will make in the transit of goods? They will be allowed to charge 9d. a mile.
214. What is the charge made by the present Company? I do not know; they have not opened the line for traffic yet.
215. Does the Bill arrange for any specific tariff? It does.
216. The maximum is named? Yes.
217. *Mr. Cooke.*] At present all the traffic from these outlying places—Rockwell, White Lead, the Pinnacles, and Thackaringa—to Cockburn is carried by team? Yes, to Cockburn.
218. What is the rate of carriage? Fifteen shillings from the Pinnacles, and £1 from Broken Hill, and over £1 beyond that distance.
219. *Mr. Crouch.*] What distance is it from the terminus of the proposed line to the Poolamacca tin-field? About 30 miles.
220. What distance from the nearest point on the other line? About 10 miles more.

Samuel Barrett, Esq., called in, sworn, and examined:—

- S. Barrett,
Esq.
24 Nov., 1887.
221. *Mr. Butterworth.*] What are you, Mr. Barrett? Mine proprietor.
222. And how long have you been living in the Broken Hill district? Over three years.
223. You have been travelling over what is called the Barrier district? Yes.
224. Are you interested in the mines which will be affected by the proposed tramway? I have claims at Thackaringa, the Pinnacles, White Lead, and Rockwell.
225. Do you know the line of country that is traversed from "Mount Gipps Hotel" right down through these places to Cockburn? Yes.
226. Have you had any opportunity of judging of the feeling of the residents of the district in reference to the line? On Thursday last some papers were distributed for the residents to sign, and people came forward very readily, and asked to be allowed to go round to get names. At Thackaringa on Friday night last the whole of the people with two exceptions had signed the petition, and at the Pinnacles it is the same. I cannot say anything with regard to Silverton.
227. Will the construction of the line increase the value of the land in the townships along it in your opinion? Yes.
228. Will it also increase the number of mines at work? Yes.
229. That is to say, the reduction in freight will make it pay better to open up mines of a low grade? Well, at the present time part of the mines near the Pinnacles will not pay without a reduction in the cost of carriage.
230. Do you know anything about the cost of constructing the line of tramway? I have not studied the expense of it at all. Some years ago I was in that line of business. Everything is very easy as far as the country is concerned, there are no special gradients.
231. Speaking of the character of the country generally you would say that there are no engineering difficulties? None.
232. And would other portions of the field be benefited by the construction of the line besides those it actually runs through? It will affect the Rockwell district the most.
233. Will it affect the Big Hill district? Yes, the line runs through it, or very close to it, and also the South Rockwell district.

S. Barrett,
Esq.

24 Nov., 1887.

234. Will it go near Pretty's copper-mines? Yes.
235. And I suppose near all the mines situated between Broken Hill and the proposed terminus? Yes.
236. Can you tell us that the plan is a fairly accurate plan of the district? Yes.
237. Do you say that from Thackaringa right along to the Pinnacles and Taltingan up to the "Mount Gipps Hotel," along the whole course of that line, the mines are almost continuous. Is there any great distance between them? The greatest distance is the continuous lode from Broken Hill to Mount Gipps.
238. And from Broken Hill to Thackaringa;—what about that part? There is a small distance between the White Lead and the Pinnacles with no immediate mines.
239. I suppose there is great difficulty at present in getting the ore down at the Rockwell Paddock? Yes.
240. Where do they send the ore from there? From Rockwell right through the Pinnacles to the border.
241. The whole way by bullock teams? Yes.
242. And that is very slow? It is very slow; about 12 miles a day on the average.
243. And what will the distance be from Rockwell? It depends upon what part of Rockwell Paddock you speak of, it will be from 33 to 40 miles.
244. Is there sometimes a great extent of water along that track? Yes.
245. And in wet weather they get bogged, I believe? Yes.
246. Will the construction of this line lessen the cost of carriage to the Poolamacca mine by reducing the distance? Yes.
247. Do you know the Waukaroo tin-mines? Yes.
248. Will it lessen the cost of carriage from there? Yes, considerably.
249. And those mines that I have mentioned—the Waukaroo, the Poolamacca, the Rockwell Paddock, and Pretty's copper-mine—are all mines lying off the immediate line of tramway, and which will be benefited by the construction of the tramway? Yes.
250. And from your knowledge of the district can you say that there will be millions of tons of ore that with a tramway would return a large profit, but which without a tramway will not pay at the present freights? In the Rockwell Paddock I anticipate that there will be a very large quantity of low grade ore that it will not pay to work without a tramway somewhere near.
251. But you cannot speak as to the quantity? No, I cannot.
252. In the case of low grade ores they can only be worked if freight is low? Yes.
253. Therefore one effect of this proposed tramway will be to greatly increase the number of mines that are being worked? Yes.
254. And therefore to increase settlement in the district? Yes.
255. Do you know at all what the population is in the district? I could only guess what the population is.
256. Do you know the population of Broken Hill? Yes; between 4,000 and 5,000.
257. And of Silverton? About 2,000 altogether.
258. And at Thackaringa? At present from 300 to 400.
259. And at the Pinnacles? About 100, and at Rockwell about 100 more.
260. What would be the population between Broken Hill and the "Mount Gipps Hotel"? I should say about 200 at Round Hill, and scattered about from there to Mount Gipps about 100 at the present time.
261. I believe that the tramway in course of construction to Silverton only passes through the mines near Silverton? Yes; the Umberumberka mines. I am not aware that there are any other from there to Broken Hill. There is the Nine Mile district some miles away.
262. With that exception the line does not pass through mineral country? No.
263. Now, assuming that the Silverton tramway carries the whole output from the mines near it, will there still be ample business for the proposed new line? I think that there will be ample business from the Pinnacles and Thackaringa districts to make the proposed line pay apart from the Broken Hill trade.
264. And the present price of stock in the mines all along the proposed line is sufficiently high to show that the general public have confidence in the mines? Yes, I think so.
265. In fact you may look at this proposed line as serving to a large extent a different district from that served by the other line? Yes.
266. And in your opinion would the construction of this new line be a great public convenience? Yes.
267. I do not know whether you are acquainted with the value of those mines. Could you speak from your own knowledge of the value of the mines on the 10th October last. You will see the value given in the list produced? I think that Pinnacles were below the market value at that time. There is no doubt that the amounts given in the list are near the mark. Some of the blocks have gone up considerably, and others have gone down a little. There has been on the whole a substantial increase.
268. And besides those mentioned would there be many mines not open to the market in that district? Besides these there are the White Lead Proprietary (the present value of it is about £30,000 or £35,000), the White Lead Central, and the Rising Sun South, and one or two others that are not included in this that run along the line of the tramway, and there may be other mines not included.
269. *Mr. Cooke.*] What will be the difference between the cost of carriage by this tramway from Cockburn to the terminus and the present cost of carriage? I do not know what it is intended to charge.
270. *Mr. Butterworth.*] Do you know what they are paying at present? From £1 10s. to £2 from Cockburn to Broken Hill.
271. *Chairman.*] Do you know of your own knowledge if the people along the proposed line are favourable to the construction of the tramway? Yes, I do.
272. *Mr. Cooke.*] Along the whole route? I know they are favourable at Thackaringa and also at Broken Hill.
273. Have the people manifested any opposition? No.
274. Have the people residing between Cockburn and Broken Hill offered to give the land, I mean the private land-owners? I am not aware that there are any private land-holders along the line.
275. *Mr. Butterworth.*] This land is almost entirely Government land I believe the whole way along the route? Yes.
276. There are no private freeholds? I think the line will go through one conditional purchase.

FRIDAY, 25 NOVEMBER, 1887.

Present:—

MR. COOKE,

MR. CROUCH,

MR. MATHESON.

D. O'CONNOR, Esq., IN THE CHAIR.

Mr. Butterworth, Barrister-at-law, appeared on behalf of the promoters of the Bill.

Charles Bath, Esq., called in, sworn, and examined:—

- C. Bath, Esq. 277. *Mr. Butterworth.*] Are you one of those who are applying for this Bill? I am.
 278. Has a preliminary Company been formed? Yes.
 25 Nov., 1887. 279. How many shareholders are there? Forty.
 280. And are you and the other members prepared to find the capital necessary to construct and equip the line? Yes.
 281. What do you estimate the amount of the capital to be? £150,000.
 282. Do the preliminary Company intend to give the general public an opportunity to join them as shareholders? Our present intention is to construct and equip the line before offering shares to the public. We may possibly allow the public to join us in our undertaking.
 283. The present intention is to construct the line first? Yes.
 284. You do not know the district yourself? No.
 285. Has the Company been registered? I do not think it has.

Arthur Ebsworth, Esq., called in, sworn, and examined:—

- A. Ebsworth, Esq. 286. *Mr. Butterworth.*] What are you? A licensed surveyor.
 287. You have seen the survey that has been made? I have seen the plan. [*Plan produced.*]
 25 Nov., 1887. 288. Is this the survey from which you made your description? Yes.
 289. This is signed by Mr. Dalton, is it not? Yes.
 290. He is a licensed surveyor? Yes.
 291. And it was from that survey that you made your description? Yes.
 292. Have you read the description which forms the schedule to this Bill? Not since it has been printed.
 293. I will read it through and ask you whether it is correct. [*Schedule read.*] Is this copy of the schedule as corrected in one part by substituting the words "north-eastern" for the words "north-western" an accurate description, and is it the schedule referred to in clause 1 of the Bill? Yes.
 294. That correctly describes the lands according to this survey across which it is proposed to make the tramway? Yes; except that the proposed tramway does not follow the blue line on the plan for about 8 chains south-easterly from the central part of portion 38 in the parish of Albert, and the south-western boundary of the town of Willyam, parish of Picton.

Charles John Royle, Esq., called in, sworn, and examined:—

- C. J. Royle, Esq. 295. *Mr. Butterworth.*] What is your business? I am a merchant carrying on business in Bond-street, Sydney.
 25 Nov., 1887. 296. You are one of those who are applying for this Bill? Yes.
 297. And you are one of the large preliminary Company which has been formed? Yes.
 298. Has that Company been registered yet? I do not know. It is about to be, I believe.
 299. How many shareholders are there? There are forty.
 300. Are you and the other members of the Company prepared to find the necessary capital to construct and equip the line? Yes.
 301. What do you estimate the capital to be? About £1,000 each; altogether £150,000.
 302. Is it your present intention to construct and equip the line before any shares are offered to the public? We thought of doing so.
 303. And when it is formed possibly shares may be offered to the public? Yes; probably we shall let them come in.

Charles Launcelot Garland, Esq., M.P., called in, sworn, and examined:—

- C. L. Garland, Esq., M.P. 304. *Mr. Butterworth.*] What are you? A newspaper proprietor, and Member of the Legislative Assembly.
 25 Nov., 1887. 305. Do you know this district of Silverton and Broken Hill? Fairly well; I spent some days in examining it.
 306. When were you there? About four months ago.
 307. What part of the district did you travel through? I travelled by coach to Thackaringa, where a number of lead and silver mines exist. It is a very important mining centre, and I went from there on foot to Silverton.
 308. Did you go beyond Thackaringa towards the Pinnacles? From Silverton I went to the Pinnacles, examining the country about there, and from there I went to Broken Hill. From Broken Hill I went north to about Round Hill. I examined the country all round there.
 309. Have you had any experience in mining? Yes, about twenty years experience.
 310. You found that these were lead and silver mines? Lead and silver principally. There were some copper-mines.
 311. Do you know if many mines contain ore of a low grade about there? I am given to understand, but I did not examine the mines, that at Thackaringa the mines are principally low grade mines, which require railway communication in order to be worked with profit. The proposed tramline will probably be of greater advantage to Thackaringa than to any other part of the field.
 312. It is necessary in order to make the mines pay? Yes. The mines at Thackaringa will probably give a larger amount of traffic than the Broken Hill mines, by reason of the amount of bullion which will require to be carried, and the amount of concentrated ore which it will pay to carry. 313.

313. There are concentrating works I think, are there not? There are at the Pinnacles. From my examination of the opinions I should be of opinion that the line is warranted to that place alone if it did not go any further. I think from the amount of ore in that locality the construction of the line would be warranted by any private Company for the development of the Pinnacle mines alone, even if the Thackaringa mines were left out.

C. L. Garland,
Esq., M.P.
25 Nov., 1887.

314. *Chairman.*] Are you sure it would be of great advantage to those enterprising people in that district if a tramway were constructed? I am satisfied of that, and I cannot see how they can prosper unless they get one.

315. *Mr. Butterworth.*] There are a large number of mines which could not be worked at a profit at present unless a cheap means of communication were provided? Decidedly.

316. Therefore the construction of the line must tend to increase settlement in that mining district? Yes.

317. Did you visit the White Lead mines? I did not go further south than the southern mines on the Broken Hill lode, a little south of Broken Hill, but judging of the appearance of the country there I should say that it is a mineral country similar to that which I passed through.

318. Going from that point you went to Round Hill, did you not? Yes.

319. And along that line there is a continual series of mines? Yes, and the ores are rich along the whole distance. It will take very many years to work it.

320. They are very big lodes I believe? Very large. I was underground in the Broken Hill Mine, and the lode in that mine is the largest I ever examined.

321. *Mr. Crouch.*] How many years is it estimated that it will take to work out the Broken Hill lode? The manager of the mine calculates that there are 900,000 tons of ore in sight above the water level which will require to be mined, and allowing for intrusive rock there will be 700,000 tons of ore above the water level, which would yield an average of over 32 oz. per ton. That will give some idea of the magnitude of the deposit.

322. *Mr. Butterworth.*] Are there any valuable mines beyond Broken Hill? The best worked mine to the north of Broken Hill is the Broken Hill Junction.

323. How far is that beyond Broken Hill? It is just beyond block 16; it is between Broken Hill north and the two blocks which the Company have recently floated in London.

324. Do you know of any rich mines north of Broken Hill? The Junction is about a mile north of Broken Hill, at block 13 of the Proprietary Company, and that mine has been considerably developed. Two shafts, I believe both going more than 200 feet deep, have been sunk, and some very rich ore has been obtained in that mine, so rich that it is said that the ore as paid for shipment to England paid the working expenses of the mine.

325. Is there any other rich mine north of Broken Hill? The only other I am acquainted with north of Broken Hill Junction is the Broken Hill North, which is a valuable mine on a very large lode. To the north of that mine is Cosgrove's Company, occupying several blocks.

326. How far is that? Two miles north of block 13. When I visited the field they had only just commenced to open up what appeared to me to be a very valuable silver lode. Since then the reports of the manager, which have appeared in the public press, show the lode further developed, and it has proved a very valuable lode.

327. And with regard to Round Hill—are there any mines working towards there? At Round Hill considerable mining is taking place, but I had not an opportunity of going under ground or of inspecting the works.

328. *Chairman.*] At Round Hill there are valuable mines? Yes.

329. *Mr. Butterworth.*] Can you say of your own knowledge, or from what you heard in the district, whether there would be any advantage in the district having a line of tramway from Broken Hill to the "Mount Gipps Hotel"? Most assuredly the line will have to be constructed.

330. There will be a sufficient amount of traffic? There will be quite sufficient. I should say that if there was no mining machinery or bullion to be carried at all there would be enough traffic.

331. Speaking generally, you have no doubt that if this tramway is carried out from Cockburn through Thackaringa, the Pinnacles, and other places, through Broken Hill up to the "Mount Gipps Hotel" a great quantity of mining operations will be able to be carried on at a profit which it is impossible to carry on profitably now? Most certainly.

332. And so far as you know the line will not injuriously affect other interests? Well, it will not affect the interests of the general public, except beneficially, but if you ask me whether it will affect the line which is already in course of construction I should say that inasmuch as this line will be a shorter and a nearer route, and more advantageous to the public generally, the public will avail themselves of it to a greater extent than they will of the other.

333. *Mr. Crouch.*] Then this would have been a better line to have constructed from the first? Yes, in the interest of all concerned.

334. *Chairman.*] Do you know that from Thackaringa up to the Pinnacles it is a pretty well mineralised country? Decidedly, the whole belt of country extending from Thackaringa east, over which I went. So far as the plains are concerned, my opinion, after carefully examining them, is that eventually, although they are much more difficult to prospect than the ranges, they will be prospected and found to be as rich as the ranges. There is no scientific reason why they should not be.

335. *Mr. Cooke.*] That is, the rock is covered by alluvial deposit? Yes.

336. That it merely covers the lodes which in all probability extend along the north and south? Yes.

337. *Chairman.*] Do the plains go to the north? I did not go further north than I have stated, but the whole country after leaving Thackaringa is pretty well level country.

338. *Mr. Butterworth.*] In the direction of the line? Yes, and the hills themselves, or what are termed ranges. We should only consider their undulations. There are not what we should call hills in the eastern districts of the Colony. There are no engineering difficulties whatever in the way of the construction of a tramway.

339. Had you any opportunity of judging of the feeling of the people in the district about the formation of the proposed line? Judging by the feeling of the people at Thackaringa and the Pinnacles, where the line is proposed to go, the people there are decidedly in favour of railway communication, and no doubt if that portion of the Colony were nearer to the seat of Government the Government would undertake to make the line; what I mean is that the interests involved there and the traffic warrant the Government in constructing a line as a commercial undertaking.

C. L. Garland, Esq., M.P. 340. *Mr. Butterworth.*] You said that you had had twenty years experience in mining;—what kind of experience? Experience as a practical miner—experience in gold-mining and gold-saving—underground work and battery work. I served my apprenticeship, and I have had a wide experience since doing so. I have always been connected with mining, and have invested in mining, and taken a personal interest in it. I had experience at Sunny Corner, and I had experience in Queensland and on the Thames gold-field, in New Zealand.

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Alexander Matheson, Esq., called in, sworn, and examined:—

A. Matheson, Esq. 341. *Mr. Butterworth.*] You are a solicitor? I am a solicitor, residing in Sydney.
 342. Are you one of those who are applying for this Bill? I am not applying for the Bill, but I am one of the preliminary Company. My name is not attached to the Bill.
 343. And that Company has not been registered yet? It has not been registered yet.
 344. There are forty shareholders, are there not? There are.
 345. And are the members of the Company prepared to find the necessary capital to construct and equip the tramway? We are.
 346. What is to be the amount of the capital? About £150,000.
 347. And the present intention of the Company is to construct and equip the line before any shares are offered to the public? Yes.
 348. After that some shares may be offered to the public? Yes.
 349. And from your knowledge of the Home money market do you look upon the scheme as a good investment for Home capital? I do. I believe I can get the whole of the capital from Scotland if required.
 350. You have recently paid a visit to Scotland? I have recently come out from Scotland.
 351. But you have been in the Colonies before? I was here some years ago.

25 Nov., 1887.

TUESDAY, 29 NOVEMBER, 1887.

Present:—

MR. BLACK, | MR. BOWMAN,
 MR. CROUCH.

D. O'CONNOR, ESQ., IN THE CHAIR.

Mr. Butterworth, Barrister-at-law, appeared on behalf of the promoters of the Bill.

Harry Bingham Thomas, Esq., called in, sworn, and examined:—

H. B. Thomas, Esq. 352. *Mr. Butterworth.*] You are a solicitor carrying on your profession in Sydney? I am.
 353. Do you produce a declaration which purports to be signed by a number of persons resident in the Barrier district and interested in mining there? Yes; it is an expression of desire.
 354. By whom? I think there are some 601 signatures of various residents in the district of the Barrier who are interested in the mining development of the district.
 355. What is the desire they express? That this proposed tramway should be constructed from the South Australian border via Thackaringa and Broken Hill to near the "Mount Gipps Hotel," as described in the application dated 18th August, 1887, for a Bill for that purpose, signed by John Woods and others, and published in the *Broken Hill Times*.
 356. As far as you know that expression of desire has just arrived from that district? Yes; by post.

29 Nov., 1887.

THURSDAY, 9 FEBRUARY, 1888.

Present:—

MR. COOKE, | MR. MELVILLE.
 D. O'CONNOR, ESQ., IN THE CHAIR.

Mr. H. B. Thomas, of Messrs. Norton, Smith, and Westgarth, appeared on behalf of the promoters of the Bill. The Hon. H. E. Cohen, instructed by Mr. A'Beckett, appeared in support of the petition of Mr. William P. Macgregor, Mr. William R. Wilson, and Mr. William Jamieson, against the Bill.

Thomas Frederic De Courcy Browne, Esq., M.P., called in, sworn, and examined:—

T. F. De C. Browne, Esq., M.P. 357. *Mr. Cohen.*] What is your name? Thomas Frederic De Courcy Browne.
 358. You are one of the representatives of the district of Wentworth in the Legislative Assembly? I am.
 359. Are you well acquainted with Broken Hill, Silvertown, and the surrounding districts? I am.
 360. With its industries and its population generally? I am.
 361. Have you had any business relations with the district and its people? I have had business relations with the district ever since it has been occupied for mining purposes, that is to say, since 1882.
 362. Do you know the route of the existing tramway—the Silvertown tramway—from Cockburn on the South Australian border, to Broken Hill? Yes; thoroughly.
 363. Have you been over it? Yes; half a dozen times. That line, I believe, is now completed.
 364. To Broken Hill? Yes.
 365. Is it open for traffic? It was opened for traffic on the 20th January.
 366. Have you been at Broken Hill since it was opened? I was there at the opening, and remained there five days afterwards.
 367. From what you saw and from your knowledge of the district and its population, what is your opinion as to the capacity of that tramway to serve the traffic wants of the district through which it runs? It could do eight times the traffic at present on the line, at the very least. The traffic is light for the capacity of the line.

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368. Will you tell us generally what direction this Silverton tramway takes? The present line runs over flat country to the Umberumberka, and then from Umberumberka to Broken Hill it is almost level. There is one cutting about 10 feet deep on the line after you pass Umberumberka.
369. Does it pass through Silverton? Yes.
370. Through Silverton to Broken Hill? Yes.
371. Is there a tramway reserve at Broken Hill? Yes, two tramway reserves. They are both used by the Silverton Tramway Company.
372. Is there a goods station erected? They are building a very large station at Broken Hill, on what they call section 14. That is the site for the passenger station generally—the railway station terminus.
373. Is there a passenger and light goods station being constructed on another part? They are running over section 14 to what they call the Tramway Reserve 3079, right into the heart of the town.
374. Is there any other branch that you know of being constructed through the goods station at section 14? Yes.
375. By the Silverton Tramway Company? Yes. It starts from the goods terminus on section 14 down the four blocks. That brings them on to the surface of the mines on the Broken Hill line of lode.
376. Can you tell whether this part you are speaking of runs to block 15? That is the intention, to bring it right along to block 16.
377. Is block 16 further north than block 15? It adjoins North Broken Hill.
378. *Chairman.*] Is that the block floated the other day in England? Yes.
379. *Mr. Cohen.*] Do you know what this branch would cost? The directors inform me that it will cost £40,000. There is one bridge alone that will cost £10,000—not a bridge, an iron viaduct.
380. This amount is in addition to the cost already incurred in the construction of the main line to Broken Hill? Yes. This branch is being constructed simply to get the traffic of the mines.
381. What mines? The Broken Hill Proprietary, Block 14, British Broken Hill, Broken Hill Junction, Broken Hill North, Brisbane Blocks Company, Broken Hill South Central, and some three or four other undeveloped mines.
382. The Victoria Cross? That is near adjoining the White Lead and other Companies round about.
383. Does the Broken Hill underlie one of the mines? Yes, the Brisbane Blocks, right underneath block 13.
384. Do I understand you to say that, besides the mines you specifically mention, there are other mines it is intended to serve? Other properties that will develop into mines.
385. Have you a plan? I have a plan at my office.
386. Can you tell me what the traffic services of the group of mines you have mentioned is about equal to per week? At the present time?
387. Yes? About a thousand tons, that is, to and fro.
388. Both ways? Yes.
389. *Chairman.*] A thousand tons of goods? Yes. It is principally coke and timber; then the bullion and ore come as return freight.
390. Can you tell me whether there is any general merchandise traffic? There is the mercantile traffic for the Broken Hill township and immediate locality, which cannot be very large of course. That would be under a thousand tons.
391. A week? Yes. I cannot speak positively, I only speak approximately.
392. Do you think that the Silverton tramway is equal to that traffic? The Silverton Company can do ten times the traffic there is now.
393. That is the traffic of all kinds? Yes, ten times the traffic. The traffic at present is trifling in comparison to what the line can do.
394. Have you formed any opinion as to what the weekly capacity of the Silverton tramway is in tonnage? Yes. I have discussed that matter with authorities on the subject. The Silverton Tramway Company can do 100 tons an hour, if necessary, from the border to Broken Hill, and they can do the same amount of traffic back. The line from Cockburn to Adelaide, that is towards Terowie, would be incapable of doing that traffic, because it is only a single line, 300 miles in length. The line from Cockburn to Broken Hill is only 34 miles in length.
395. You also say that they can carry 100 tons per hour back traffic, that is backwards and forward: simultaneously? Yes. There is no difficulty with the sidings they have got. They can start a train every hour from Cockburn, and with the engines they are using now they can draw twenty trucks at the rate of from 18 to 20 miles an hour. It is a very level line.
396. Is the Silverton tramway line connected with the railway service of South Australia? Yes.
397. Do you know whether there is any agreement existing between the Government of South Australia and the Silverton Tramway Company? There is an agreement.
398. For traffic purposes? For traffic purposes. The South Australian rolling stock goes right into Broken Hill.
399. I understand then that the engines of the South Australian line run right through over the Silverton line on to Broken Hill. Are the trucks also run upon that line? Yes; all the rolling stock.
400. All the South Australian rolling stock employed in the traffic passes directly on to the Silverton line to Broken Hill? Yes.
401. Have you had any statements made to you by any Minister of South Australia as to their willingness to connect their rolling stock with any other line but the Silverton tramway line? The Commissioner for Public Works, Mr. Catt, told me they would not connect with any other line.
402. But the Silverton tramway? But the Silverton tramway. In fact they have an agreement to that effect. It would not pay them to do otherwise.
403. From your knowledge of the line and its capabilities can you give this Committee any idea as to the maximum population requirements which the Silverton tramway could serve? It could serve the requirements of a population of fully 25,000 people; that is, 17,000 more than there is at present.
404. Than there is where? In the district. The population of Broken Hill district now is not over 8,000.
405. When you say Broken Hill district what do you mean? I take in Silverton, Uriowie, and Waukaroo.
406. Does this map [*plan produced*] represent the settlement in the district? It is not exactly correct, but it gives you a general idea.
407. You have spoken of Uriowie and Waukaroo;—are they in the direction of Broken Hill rather than near Cockburn? Yes. The nearest place to Waukaroo is Broken Hill, by about 4 miles shorter than to Silverton. All the traffic goes in from Uriowie to Broken Hill.

- T. F. De C. 408. What direction would Uriowie be from Broken Hill? To the north-west.
 Browne, Esq., 409. And Waukaroo? It is on the road to Uriowie; you go right through it. Waukaroo is what they
 M.P. speak of as the Poolamacca tin-mines.
- 9 Feb., 1888. 410. From present appearances can you form any idea as to what the population of this Broken Hill district is likely to be by the end of the present year? I see the police have computed the population—have made a sort of informal census—and have put the population of the Broken Hill country at about 8,000. Judging from the developments of the mines I should not be at all surprised to see the population of Broken Hill this day twelve months, that is all the district, increased to fully 14,000 or 15,000. It is the greatest mining district I ever saw in the whole of Australia, and I have been over every one of them.
411. Do you know the route proposed by the Bill now before the Committee? I went over it.
412. You have been over it? Yes, in order to make myself acquainted with the whole thing. I have been three times along the general route; I went from Broken Hill to the Pinnacles, from the Pinnacles to Thackaringa, and from Thackaringa to the border.
413. Can you give us your opinion as to the feasibility of the line, or as to any difficulties there may be along this route? The line is perfectly feasible. From the border to Thackaringa the line is level; from Thackaringa to the Pinnacles it is hilly; I should say very hilly. There will be some heavy cuttings there; in fact a very large number of heavy cuttings; and then from the Pinnacles into Broken Hill it is comparatively level again.
414. What would be the distance from the South Australian border to Thackaringa? Nine miles and a half.
415. Between those two points is the country settled at all by population? There is nothing in the country between Cockburn and Thackaringa but rabbits. They are there literally in millions; you can sit in your buggy and kill them with stones on the side of the road.
416. What is the population at Thackaringa? Until the last four months the population was about fifty, but within the last four or five months it has increased to 400 or 500, that is men, women, and children. There are between 200 and 220 miners employed there.
417. The 400 would represent the population? The whole population.
418. How far does the Silverton tramway run in the direction of Thackaringa? The distance from the tramway to Thackaringa would be about four miles and a half.
419. From what you know of the country do you think there would be any difficulty in so extending the Silverton tramway by a branch down to Thackaringa? No. You have only to lay the rails on the ground; the country is perfectly level.
420. Do you know that the construction of such a branch is contemplated by the Silverton Tramway Company? It is; in fact I understood from them it has been got ready; plans are being prepared.
421. Do you know if there is any arrangement between the owners of the Thackaringa mines and the Silverton Tramway Company for the construction of a branch line? I have been so informed by the owners of the Barrier Ranges concentrated works, which will be the largest thing of the kind in Australia, and the owners of the Great Pioneer Mine. The Barrier Ranges Silver-mining Association say that there is an arrangement being come to with them for their traffic by the construction of a branch from the Silverton Tramway Company to the Thackaringa mines.
422. Do you know whether the mine-owners to which you refer are interested in the Silverton Tramway Company? Some of them are largely interested as shareholders.
423. I suppose they are therefore more likely to patronize the Company in which their interest is as shareholders than a Company in which they are not shareholders? Undoubtedly. It is human nature to imagine that.
424. What is the population of the Pinnacles? The Pinnacles at the present time is comparatively deserted. In reality there has only been one Company—the Pinnacles Company or the Pinnacles Tribute Company, both the same property—and although costly machinery has been erected it has been a failure; hence the mine is not working at the present time. There never were more than 150 persons at the Pinnacles at its best time. It is a locality which has got what I may call a prospective value.
425. Do you think there is likely to be any large traffic over there? There never will be a large traffic from there. You could not call it large in any sense of the word.
426. Do you think their traffic could easily be provided for, say by teams? The present traffic?
427. Yes? I should say the present traffic could be provided for by a couple of teams a week. They would do the whole of it. In reality there has been no mining done there at present, though I hope and am confident that in the early future you will see it a very busy small mining centre, employing perhaps a couple of hundred men. It is very difficult country to work and to prospect.
428. Do you think it will be practicable for the Silverton Tramway Company to provide for any development of traffic that might take place at the Pinnacles? There is not the smallest doubt. It would be simple enough to lay a light line on the grass from the nearest point up to the Pinnacles. You would not have a hill to go over.
429. What would be the nearest distance at which the Silverton Tramway line could connect so as to provide for the Pinnacles traffic? I can only give you a pretty shrewd guess—between 8 and 9 miles. I should imagine that the railway line could not shorten the route, because the country being very level the road runs very straight, and it is 9 miles from about where the station is now to the Pinnacles.
430. Nine miles from where? From the railway station, section 14, Broken Hill.
431. Is it your opinion that the connection should take place from Broken Hill to the Pinnacles? That would be the most economical. You might get a shorter line by going to Silverton and cutting across. It is possible. Nine miles is about the distance. You could get closer by going back on the line towards Silverton.
432. Is there any mining between Broken Hill and the Pinnacles? None whatever.
433. Have you read the schedule to the Broken Hill Tramway Bill, the schedule to the route? Yes; I have read this.
434. Have you formed any opinion as to the feasibility of the route there described? I do not see how they are going to get a line into Broken Hill by this route; it is impossible.
435. When you say it will be impossible to get it into Broken Hill why do you form that opinion? The present tramway reserve, which goes through Broken Hill, is occupied wholly by the Silverton Tramway Company, and there would not be room for a second tramway along the reserve; it is too narrow.

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436. Have you considered whether or not a second line is necessary in the interests of the district for the purpose of serving the traffic? I should be only too happy to think that a second line was necessary, or would be beneficial to the district; I would be quite proud of it; but I say most unreservedly and emphatically that a second line is not wanted, that the present Silverton Tramway Company can do the traffic for three times the population that there is at present in the district.
437. Are you interested directly or indirectly in the Silverton Tramway Company? I have not a share; I have no interest directly or indirectly in it, and I never had any, and moreover I do not hold a share on the whole of Broken Hill.
438. Have you had the opportunity of ascertaining whether it is the desire of residents of these districts to have a second line constructed? The great bulk of the business people are opposed to it. I have got a big petition to present to the House against this Broken Hill Tramway Bill. All the business people in Broken Hill are opposed to this present line.
439. What would be the effect upon Silverton of the construction of this now proposed line. If there was a second line it would do Silverton a very serious injury. It would divert traffic away from it, and to divert traffic from a small town cannot possibly improve its prospects. The Silverton people are totally opposed to the second line, as one would naturally expect them to be.
440. Comparing this proposed Broken Hill tramway line with the Silverton tramway line, which do you think would the better provide for the different sources of traffic, speaking generally? Undoubtedly the present, or the Silverton Tramway Company. It would meet all the traffic to the north of Silverton and Broken Hill, which promises to be a very big item in the future, that is the Uriowie and the Waukaroo and the Poolamacca tin-mines. Then there is Purnamoota and the Day Dream country.
441. Purnamoota and the Day Dream are almost due north of Silverton, are they not? North-north-east.
442. *Mr. Thomas.*] I understood you to say that you were not interested at all in the district? I did not say that. I said that I held no shares either directly or indirectly in the Silverton Tramway Company.
443. How do you come to give evidence—is it voluntarily given? I was asked to come here and give evidence as to what I knew of the country and the district.
444. Do you receive any remuneration for this at all? I do not. It would be a bad thing for the man that offered me remuneration; it would not be comfortable for him.
445. *Chairman.*] You have been connected for a long time in business with this district? Intimately. I do a very large business in that district.
446. I do not understand your answer to Mr. Thomas's question. You are a voluntary witness? I was asked to come here and give evidence.
447. By whom? By Mr. A'Beckett. I was asked as one of the representatives of the district, who knew the district thoroughly.
448. You are in business in Sydney? Yes; mining business.
449. I presume that you have been acting for some of these gentlemen? I act for nearly everybody up there—for all the Companies. I do pretty well all the leading business.
450. Is the plan submitted a pretty fair sketch of the line, as to where it starts from the South Australian border? I fancy it is a very fair sketch.
451. Are there not a lot of mines right up to Broken Hill? You come to nothing until you come to Thackaringa, 9 miles from the border. That was the origin of the Barrier Ranges Silver Company. It was taken up ten years ago.
452. From Thackaringa to the Pinnacles, are there not many mines there? No, there has been nothing done. I daresay you would not find twenty men at work between Thackaringa and the Pinnacles, except it may be men who are on the lookout for something. There was once a craze for tin and rubies, and people were there through the ranges looking to see what they could find.
453. From the Pinnacles to Broken Hill what is there? Nothing at all. It is dead level country. You come out of the hills when you leave the Pinnacles. There are three round hills that stand up, and you can see them about 25 miles away.
454. Are you aware what this proposed tramway would cost. Of course it is a matter of calculation? I could not tell you. It is a little bit out of my line. I have a general idea of what the other line cost, and I should say that this line would cost not very much less than 30 per cent. more, because it has got very hilly country to go over.
455. What did the other line cost? *Mr. Macgregor*, in his speech at the opening, said that the line from Cockburn to Broken Hill via Silverton, cost £146,000, that is without rolling stock and the erection of stations and other buildings there now.
456. Would it be over a quarter of a million? No, I do not suppose it would. The stations and all, that perhaps would bring it up to nearly £200,000.
457. *Mr. Cooke.*] You said that the population would be perhaps four times as large as it is in a very short time? No. I said that there would be 14,000 or 15,000, that the present population would be nearly doubled.
458. If this be so will it not require more carrying accommodation than this line will supply? No. The present Silverton line can do 14,000 tons per week.
459. You said 100 tons an hour? Yes.
460. If they could carry 100 tons an hour the trucks would require to be loaded? That is simply a matter of getting men. Plenty of men are to be had at Broken Hill.
461. I understand that there is a large quantity of low grade ore at Thackaringa? I suppose there is, but there are not more than fifty or sixty 40-acre blocks taken up. These all contain more or less low grade ore, that is, ore rich in lead but very poor in silver. Not one of these blocks have been worked under the blessings of our leasing system. The present population of Thackaringa is about 400; that includes men, women, and children. There are under 200 miners working there at the present time.
462. Is it not a fact that because the ores are of low grade, and because of the difficulties of carriage between the mines there is not a larger number of people employed? It is not because of the low grade ore, because the ore is payable in the lead mines, but there are a lot of other areas in which there is low grade ore, the owners of which are too poor to put up smelting appliances. In the second place they are too poor to send ores to Adelaide to be smelted; and, in the third place, there is no one there to buy the ore from them. The Barrier Ranges Concentrated Company are putting up the best works in Australia there. They intend to buy ore upon assay from men who raise 5 or 10 tons a week.

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463. Do you not see that the very answers you have given to my question support the proposal of a tramway on that route—if the men are so poor, and cannot afford to work them, a tramway to Thackaringa would facilitate the working of these mines, inasmuch as it would give cheaper carriage;—is not that an argument in favour of the concession of this line? To strike a line from Cockburn to Thackaringa would be $9\frac{1}{2}$ miles, while to make a branch line to Thackaringa from the present Silverton line would be only $4\frac{1}{2}$ miles, so that the people could get the same accommodation by a link of $4\frac{1}{2}$ miles.
464. Suppose that the branch line were made, would it not be increasing the distance by one-third, inasmuch as it would describe the course of two sides of a triangle, and it would supply only one locality, instead of the country that intervenes between Thackaringa and Broken Hill? As a matter of fact the branch line would be absolutely shorter, in my opinion, than the new line.
465. That is a matter of measurement? I have made inquiries, and those who intend building the branch line say that it will be 8 miles.
466. You said something about an agreement between the South Australian Government and the Silverton Tramway Company;—do you know the nature of it? I never saw the agreement. The Commissioner for Public Works distinctly stated that they would not connect with any other line, and he is master of the situation.
467. You said that the reserve going into Broken Hill township was not sufficiently wide to admit of two tramways;—is that a fact? It is.
468. Is the reserve ground leased? Yes.
469. Is the adjacent land Crown land? Yes, but it is all occupied.
470. The adjoining lands being Crown lands the reserve could be widened? No, it could not, because it is all occupied and built upon.
471. On both sides? There is not a spare allotment in the whole township of Broken Hill. There are 1,400 allotments registered there—a thing which is without parallel in the history of mining in this country.
472. Was the construction of the line to Thackaringa in contemplation before this line was projected? That was part and parcel of the original conception of this line from Cockburn to Broken Hill. I took very great interest in connecting the border, in having railway communication with Broken Hill and Silverton, and I was consulted, and had a lot of conversation with the promoters at various times before the Silverton Bill was introduced into Parliament. They intended to construct a line through to Thackaringa, and to run a line out to Purnamoota; in fact there is notice of a Bill now to Poolamacca, 50 miles out. It is a terrible country that in dry weather. Teams cannot travel, and the cost of living there is increased enormously by the difficulties of transit.

WEDNESDAY, 15 FEBRUARY, 1888.

Present:—

MR. BOWMAN, MR. MELVILLE,
MR. COOKE.

D. O'CONNOR, ESQ., IN THE CHAIR.

Mr. H. B. Thomas, of Messrs. Norton, Smith, and Westgarth, appeared on behalf of the promoters of the Bill. Mr. Browning, instructed by Mr. A'Beckett, appeared in support of the Petition of Mr. Wm. P. Macgregor, Mr. Wm. R. Wilson, and Mr. Wm. Jamieson against the Bill.

Thomas Frederic De Courcy Browne, Esq., M.P., recalled, and further examined:—

- T. F. De C. Browne, Esq., M.P.
15 Feb., 1888.
473. *Mr. Thomas.*] Is the small plan of the proposed tramway substantially correct? Well, it gives one a general idea.
474. What is the aggregate distance through which the Silverton Company's tramway passes of actual mineral land? Between the border and Silverton there will be about 2 miles, that is between Cockburn on the border and Silverton; between Silverton and Broken Hill there will be about 6 miles. Of course the land is in detached pieces.
475. What is the aggregate length of mineral country through which the tramway now proposed will pass between the South Australian border and the "Mount Gipps Hotel"? Between 10 and 11 miles.
476. You think there would not be less than 10 or 11 miles? I do not think so.
477. You are not taking into consideration the mines near Mount Gipps at all? No, but it is all mineral country.
478. I think you said that the Victoria Cross adjoined the White Lead mines? The Victoria Cross is at one end of the line of range and the White Lead is at the other.
479. I understood you to say that they were nearly adjoining? I do not think I said that.
480. I suppose they are from 5 to 6 miles apart? Hardly that; I daresay from 4 to 5 miles.
481. I think you said that this plan represented generally the amount of settlement in the district? I did not say so; I was asked whether the plan was substantially correct as showing the route of the two lines. There is apparently a lot of settlement shown here which does not exist.
482. I think you said that there is only one Company at work at the Pinnacles? I doubt if there is one Company at work there.
483. Do you know the Big Hill? It is near the Pinnacle. There is a big lode there, but there are very few men working on it; you can hardly call the mine at work in the mining sense of the word.
484. But there is a registered Company with a large capital, is there not? It is quite possible; I do not know.
485. Do you know the South Pinnacle Company? I have heard of it.
486. Do you know that it has been at work for some years? In a small way; I believe there are three or four men employed.
487. Do you know the Middle Pinnacle? I believe there are two or three men at work on it.
488. All these mines are at work? Well, they are occupied. At the present time there are about twenty-five men employed all about the Pinnacle; they are merely holding the land. There are certainly
489.

T. F. De C.
Browne, Esq.,
M.P.

15 Feb., 1888.

489. Did you see the report in the mining news in yesterday's *Sydney Morning Herald*? I did not.
490. It is stated that the Pinnacle Mines were at work? I did not see it.
491. I believe that you said that there would be no larger settlement in that district than there is at the present time? I said nothing of the kind. I said that there had been a large number of men at work at the Pinnacle mine, but that at the present time the mine was really not at work. There are a few men pottering about, holding the land in order to save the leases from forfeiture. I dare say there may be more men there when the Company have got over their present financial difficulties.
492. There will be a large traffic, I suppose? There is a concentrating work put up at the Pinnacles Company. Concentrated ore would be in the proportion of one to five; that is to say, 500 tons of ore would show 100 tons of concentrate; concentrating works would therefore reduce the traffic.
493. But would there not be a good deal of traffic if this line were constructed? I should not call it a good deal of traffic for a railway line of any description; 100 tons a week would be no traffic at all for a railway line.
494. But you are only speaking of the Pinnacle; you are not speaking of the White Lead, and the other mines in that direction? No, I am only speaking of the Pinnacle.
495. If a branch were constructed by the Silverton Tramway Company from Broken Hill to the Pinnacle would it not take four times the distance to the South Australian border than if a line were constructed direct? No.
496. Would it take three times greater? No; I doubt if it would be twice as great.
497. But you would be going round three sides of a square? It is 34 miles from Cockburn to Broken Hill, and it is 21 miles from Cockburn to the Pinnacle.
498. That is a very much greater distance? I admit that it might be about twice the distance.
499. Have you any idea where it is proposed that the branch line from the Silverton tramway should branch off to the Thackaringa mines? At a distance of about $3\frac{1}{2}$ miles, I should think.
500. Still you say that the distance would not be greater than by the direct line from the border? I do not think it would be.
501. What do you mean to convey when you say that you have no interest whatever in Broken Hill shares? I mean to say that I hold no shares in the Silverton Tramway Company, directly or indirectly.
502. But you were only speaking of the Silverton Tramway Company? That was the question put to me.
503. As a matter of fact you are interested in the various portions of the district? Yes, in a small way.
504. I think you also stated that there was no mining whatever between Broken Hill and the Pinnacles? Of course I did not include the township.
505. I believe that Mr. Cohen asked you whether there was any mining between Broken Hill and the Pinnacle, and you said none whatever? Of course there is South Broken Hill and other mines, but then I reckoned them as part of Broken Hill.
506. You said practically that the two places joined? No; there is a big barren plain between the two places.
507. What is generally understood as Broken Hill? All the mines on that line are generally understood to be Broken Hill. They stretch away from the township north and south.
508. If you had been asked whether there were any mines between Broken Hill township and the Pinnacle you would have said a great many? Of course.
509. What is the width of the present tramway reserve passing through Broken Hill? Three chains.
510. And the whole of that is occupied by the existing Silverton tramway lines? It is all required by the Company. Three chains is a narrow width for a double line, and for shunting.
511. Still, in Oxford-street, in Sydney, which is not a chain wide, there is a double line? Yes, but there is no shunting done in Oxford-street.
512. If room were economised I suppose there would be plenty of room for both lines? I do not think so. I do not think it would be safe for the public. Of course I do not profess to give an expert's opinion.
513. But it sounds reasonable to suppose that there would be room, does it not? If you were to ask a railway man whether 3 chains would be sufficient for a double line and for shunting he would say that it was much too narrow.
514. I think you said that not one of the mines at Thackaringa were being worked? That would be an absurdity. If I am reported as saying that I am wrongly reported.
515. As a matter of fact there has been mining there? A great deal was done at Thackaringa in the early days.
516. I think you said that there was no one to buy ore from the miners at Thackaringa? There was no one to buy ore until the Dry Creek Smelting Works were started. There has been a small trade doing with firms in Adelaide, who bought choice samples of ore from mine-owners on various portions of the silver-field, but there is no recognised Company or buyer to whom a man having 5 or 10 tons of ore to sell could sell to. Now the Dry Creek works have started of course it is different.
517. Do you know the English and Australian Smelting Company? Yes.
518. Have they any representative in the field? They have an agent at Silverton.
519. So that miners can sell their ore? If it is good ore. They are very particular what ore they buy.
520. As a matter of fact there is someone who can buy ore from the miners? Oh yes, all along, for the last two years.
521. What do you intend to convey then by your answer? Speaking in a general way an ordinary party of miners had no opportunity of selling 5 or 10 tons of ore as it came from the mine as they can now do to the Dry Creek smelting works.
522. I understand you to say that that small plan on the table is substantially correct? As showing the route.
523. Adjacent to the line proposed along its whole length there are a number of blocks or surveyed portions shown? Yes.
524. And there appear to be none between Broken Hill and Silverton? The man who prepared this plan had his orders evidently.
525. Are there any leases on the Silverton mine? The line between Silverton and Broken Hill passes through some four or five leases. At the Limestone Crossing there are a lot of leases, that is about 7 miles from Broken Hill. This plan, I suppose, is prepared by the promoters of this line of tramway.

T. F. De C. 526. Where are the concentrating works on the field? There are concentrating works at Thackaringa and at the Pinnacle. The works at the Pinnacle belong to the Company, the works at Thackaringa are public.
Browne, Esq.,
M.P.

15 Feb., 1888. 527. So that as a matter of fact mines so long unworked will now be worked by reason of the convenience afforded by these concentrating works? It is not the case that the non-working of the mines has been due to that cause; it has been due to the want of money.

528. Do you mean me to infer from that answer that there would be sufficient inducement to go on mining if there were sufficient facilities? I do not say that. A large number of speculative leases have been taken up in these localities. They make the place appear to be largely occupied on paper, but as a matter of fact I do not think I should be exaggerating if I said that not one lease in seven on the Barrier is now being worked. They are held for speculative purposes. There may be ore in them or there may not, they have never been tried.

529. *Mr. Browning.*] I understand that this small plan before us does not correctly represent the routes? It does substantially.

530. In a general sort of way, but it does not accurately represent the distances? In a general sort of way it gives a good idea of the route. But you could not mark out the distances upon it.

531. *Mr. Thomas.*] In addition to the tramway reserve to which I have referred there is a street of a chain and a half wide on each side? Yes.

William Peter Macgregor, Esq., called in, sworn, and examined:—

W. P.
Macgregor,
Esq.

15 Feb., 1888.

532. *Mr. Browning.*] What are you? I am a grazier and mining director.

533. You are acquainted with the Barrier Range country, and particularly with the mining portion of it? I am.

534. Are you acquainted with any of the mines? I know a large number of them.

535. In what way? I act in the capacity of director to some thirteen mines on the field.

536. Do you know the principal traffic-producing mines at Broken Hill? Yes; there is the Broken Hill Proprietary itself, block 14; the Junction, British Broken Hill Proprietary, and the Central. They are at present the principal traffic-producing mines.

537. And will these mines be well served by the Silverton tramway now in course of construction? They are being well served.

538. That line is sufficient for their traffic requirements? Yes.

539. What is the population of Broken Hill and the vicinity? The population of the town itself would probably be about 4,000.

540. Will that include the immediate neighbourhood? It is hard to give an estimate, but I should say that there would be about 7,000 or 8,000 in the neighbourhood. I understand you to refer to the Broken Hill district.

541. Do you consider that the Silverton Tramway Company can adequately serve the requirements of that population? I think they could serve the requirements of a population three times the size.

542. Do you know the Thackaringa group of mines? I do.

543. Are any of them now producing ore? Two mines with which I am connected, the Gipsy Girl and the Pioneer, export from 50 to 60 tons a week. As far as I know those are the only ore exporting mines in the whole group, with the exception of a little odd lot, which would not amount to 20 tons a month.

544. How far are the Thackaringa mines from the Silverton tramway line? $3\frac{1}{2}$ miles.

545. What is the population in the locality of the Thackaringa mines? I believe that all told there are between three and four hundred people there, including the station hands and rabbiters.

546. Do you know if the Silverton Tramway Company are prepared to construct a branch to Thackaringa from their line? If the traffic demands it.

547. What do you estimate is the present output of the Thackaringa mines? I have already said that the Gipsy Girl and the Pioneer, which are the only two ore exporting mines in that locality, produce about 50 tons a week between them. The Gipsy Girl produces 30, and the Pioneer from 20 to 25 tons per week.

548. Is it a fact that there are public concentrating works being made at Thackaringa? Yes; I am chairman of the Company.

549. What is the capacity of the works? They take 30 tons of crude ore a day, and on the average value of Thackaringa seconds they turn out about 10 tons of concentrate. It goes about 3 tons of crude ore to 1 ton of concentrate.

550. To what degree would they increase the output of ore for traffic purposes? Running continuously they would increase it by 10 tons a day or 60 tons a week.

551. Do you know the Pinnacle? Yes.

552. How far is it from Thackaringa? 12 miles.

553. Are there any mines between Thackaringa and the Pinnacle? No.

554. Are there any mines at work at the Pinnacle at present? Three weeks ago when I was there there were half a dozen men at the Pinnacle itself. There are about half a dozen prospecting claims, but I have no idea of the number of men that they employ; it varies. No mines there are exporting any ore.

555. *Chairman.*] What are the names of the mines? They go chiefly by the block numbers.

556. *Mr. Browning.*] What is the traffic to and from the Pinnacle from Thackaringa at present? I should judge that it would be as much as to supply a population of 200 all told. There may be that number in the district. When I sat down to a dinner-table at the eating-house there the other day there were only three other individuals beside myself, but there are camps scattered about.

557. Are there any concentrating works at the Pinnacle? Yes; they belong to the mine.

558. Are they now idle? Yes.

559. If they were working full time at what would you estimate the output? About 20 tons of concentrate a day. So far however the plant is a total failure; they cannot concentrate with it at all.

560. What is the distance from the Pinnacle to Broken Hill? About 8 or 9 miles.

561. Are there any mines between those two places? Not until you get quite close to Broken Hill.

562. Do you know the mineral country north of Broken Hill? Yes, well.

563. Does it include any mining centres? Yes; there are silver-mines at Purnamoota, and there are tin-mines at Poolamacca, and in the Waukaroo paddock, also in the vicinity of what is called Lake's Camp. Then there is a small group of mines close to Mount Gipps Station. 564.

W. P.
Macgregor,
Esq.

15 Feb., 1888.

564. Would the country you are describing be best served by the existing line, or by the proposed line? About 50 per cent. of the traffic would go to Silvertown, and about 50 per cent. to Broken Hill itself. The proportion going to Silvertown would be best served by the existing line, and so far as the Broken Hill traffic is concerned it would not matter whether there were two or three lines.

565. That is from the north into Broken Hill? Yes; into Broken Hill itself. The distance for cartage would be the same in any case.

566. But so far as the Silvertown traffic is concerned the existing line would be adequate? Yes. I should like to make myself understood upon this point. What I mean is that the existing line is not only equal to the present, but to a much larger traffic, and that so far as the Broken Hill traffic is concerned it would have to come into Broken Hill in any case, and the cartage would not be shorter or longer.

567. Do you know if the Silvertown Tramway Company would be prepared to put in a siding or to make an extension in any place for traffic purposes? In any case where the traffic would justify the outlay the Company would be only too happy to put in a siding.

568. Is any extension now being made? The Broken Hill Proprietary itself is now putting in a siding, which will cost £14,000, to join the Silvertown line.

569. Do you know the siding in section 14? We are running a mineral siding down to junction with them. We run down from the tramway terminus to the boundary of block 10. The Silvertown Tramway Act gives us no power to go upon their land.

570. What do you estimate will be the cost per mile of the line now before the Committee? Our line has cost us £3,500; that is the mere line itself. Station buildings and water supply will make the line cost us £5,000 altogether. I should imagine that this line would cost more, as there are heavy cuttings going through the Barrier.

571. Could the proposed line be made into Broken Hill without interfering with the Silvertown Tramway Company's line? It would require to cross some portion of our line. If the plan produced is accurate it would require to go right across it.

572. Has the South Australian Government entered into any arrangement for connecting its traffic at Cockburn with the Silvertown Tramway Company's line? They run the traffic at the present time, charging the Silvertown Tramway Company so much per train of a certain weight.

573. Do you know if the South Australian Government has stated its intention not to connect with any other line? I do. It was stated in reply to a question asked in the House of Assembly in Adelaide.

574. What is the population of Cockburn? I do not think there are more than six or eight individuals there altogether. Outside the officials the place is absolutely deserted. There was a population of about 200 while the railway was in course of construction.

575. Knowing this district as well as you appear to do, and its resources, do you consider that a second or a competing line from the South Australian border to Broken Hill would be a public advantage or a necessity? I certainly do not.

576. *Chairman.*] You are a large shareholder, and a director of the Silvertown Tramway Company? Yes.

577. *Mr. Thomas.*] You spoke of a private branch line from the Silvertown tramway line to Thackaringa being $3\frac{1}{2}$ miles in length;—at what point from the South Australian border on the Silvertown tramway line would that branch strike? About 3 miles from Cockburn.

578. Making the line $6\frac{1}{2}$ or 7 miles in length? We have what is called a Thackaringa siding on our line.

579. But the distance from Thackaringa to Cockburn would be about 7 miles? Yes.

580. What would be the distance by the proposed line of the Broken Hill Company? It would be about 6 miles. They are carting the ore now over that distance at 7s. 6d. per ton; that includes loading and unloading. I do not think that under those circumstances a line would pay.

581. Do you mean to say that the Silvertown tramway branch and that part of their main line will be only 1 mile further than the route proposed by the Broken Hill Tramway Company? I think perhaps it might be shorter.

582. You say that the Silvertown Company are putting on a siding at Broken Hill? Yes.

583. Have they the necessary authority? Yes. They are running a line up to the boundary of the Broken Hill block.

584. When did they obtain that power? Under the first Act.

585. Providing that the proposed line were constructed according to the route shown on the plan from Cockburn to Broken Hill it would carry a great deal of the traffic which now has no opportunity of passing to and fro? No. It would pass through the White Lead—that mine does not export 1 ton of ore at the present time.

586. What about the Pinnacle? The Pinnacle has expended £50,000 and gone broke.

587. I think you said that there were no mines between Thackaringa and the Pinnacle? There is nothing along that route.

588. Then where is Big Hill situated? I know all about Big Hill; I have an interest in it, and I shall be glad to get 6d. each for my shares.

589. But is not the Big Hill between Thackaringa and the Pinnacle? There is a hill, but I do not know that it is correct to call it a mine.

590. Is it not on the proposed line? It is to the south of the proposed line.

591. But the mine would be workable and payable if the proposed line were made? They have driven right through the hill and they have never got a lode. There is nothing but a lot of mullock there, so I do not know how it can be said that the mine would be payable.

592. I think you said that 50 per cent. of the northern traffic would go to Silvertown, and 50 per cent. to Broken Hill;—would any go to Piesse's Nob? The road down to Piesse's Nob is rough, and is not suited to teams, while the road into Broken Hill is as level as a bowling-green. Teamsters would prefer to go to Broken Hill.

593. But the traffic to Piesse's Nob and Broken Hill would be greater than to Silvertown? I do not admit that there would be any traffic to Piesse's Nob at all. It is a mistake to call these blocks near Piesse's Nob mines. They are mineral leases, and they are not worked at all; they are simply held upon speculation. Some of them have been worked, and some of them have not been worked at all. None of them are exporting ore, with the exception of the Eaglehawk Company.

594. That is because there are not facilities for exporting ore? No; because the ore does not exist.

W. P.
Macgregor,
Esq.
15 Feb., 1888.

595. Does it not exist in any case, with the exception of Eaglehawk? None that I know of; that is ore of a payable character.
596. But suppose they had facilities for smelting and for cheap carriage? They could not smelt there except at a loss. The idea of smelting on the field has been abandoned, except by the Broken Hill Company.
597. But could not any of those mines be made payable if they had the requisite carriage? The only way to make the ore payable would be by concentrating, and concentrators are not placed where crude ore has to be carried to them; they are placed sufficiently near to permit of the ore being automatically conveyed to them. What is actually carried from the concentrators is from one-third to one-sixth the bulk of the crude ores.
598. Still all these concentrates would have to be carried to Broken Hill and elsewhere? Yes.
599. So that there is evidently a necessity for some means of carriage? The concentrating Company will put up works as soon as there is sufficient work to keep them going. At the present time, however, there is no work for them in that part of the district.

TUESDAY, 21 FEBRUARY, 1888.

Present:—

MR. BOWMAN,

MR. CROUCH.

MR. COOKE,

D. O'CONNOR, ESQ., IN THE CHAIR.

Mr. Butterworth, instructed by Norton, Smith, and Westgarth, appeared on behalf of the promoters of the Pill. The Hon. H. E. Cohen, instructed by Mr. A'Beckett, appeared in support of the Petition of Mr. William P. Macgregor and others against the Bill.

James Angus, Esq., called in, sworn, and examined:—

J. Angus, Esq.
21 Feb., 1888.

600. *Mr. Cohen.*] What is your profession? I am a railway contractor, principally.
601. Have you anything to do with the management of mining companies? I have.
602. Have you visited the Silverton and Broken Hill districts? I have.
603. Have you also been to the Pinnacle mines and to the Rockwell Paddock? Yes.
604. How long since were you there? I was there when the tramway was opened—I think about a month or three weeks ago.
605. How long were you in the district altogether? About a week.
606. While you were there did you travel through these districts? A good deal. We had a buggy and pair all the time, and we did not lose any time.
607. I understand that you were at the Pinnacle, and also at the Rockwell Paddock? I went down the Pinnacle shaft.
608. Did you also visit the Rockwell Paddock? I visited the South Rockwell mine.
609. What do you estimate the population of the Pinnacle and the Rockwell mine at? I was at the Pinnacle when the shift changed, and there were two men went down the shaft and two men came up. There was one man in the public-house bar beside the publican. That is all I saw.
610. Are those the whole of the people you saw at the Pinnacle? Yes.
611. Did mining seem to be very active there at that time? That was all the mining that was going on then. There were two men on the shift, an engine-driver and the foreman.
612. What was the population of Rockwell so far as you saw it? On going out to Rockwell we met one buggy on the road with the manager of the South Rockwell mine in it. There was one man working at the bottom of the shaft. I did not go down; but I was informed that there was one man at the bottom. There was a man there pumping water, and his mate, and that is all I saw at Rockwell. There is really very little traffic on the road to account for very much work anywhere.
613. Are you interested in the Silverton tramway? Not in the slightest.
614. You told us that you were a railway contractor;—what has been your experience? I have been building railways and public works since I was a boy. I have been a contractor for twenty years.
615. *Chairman.*] You belong to the firm of Topham & Angus, I believe? Yes.
616. *Mr. Cohen.*] Have you carried out any contracts in New South Wales and elsewhere? In New Zealand and Victoria, and in New South Wales.
617. Have you had any large contracts? Contracts extending up to pretty well half a million.
618. Do you see the Silverton tramway line marked upon the small plan in front of you? Yes.
619. Do you notice the lower line marked on the plan—that is, the line which it is now proposed to construct? Yes.
620. Which line, in your opinion, is more likely to secure the traffic from the Rockwell Paddock? It seems to me only a matter of going to Broken Hill from Rockwell Paddock so far as both the present tramway and the proposed tramway are concerned.
621. Then you think the Silverton line is equally convenient for the traffic as the proposed Broken Hill tramway? I cannot see any difference.
622. So far as you can see, the nearest point for the Rockwell traffic to get on to the line will be at Broken Hill? That is my own opinion, and there is a very good road from Rockwell to Broken Hill.
623. Have you been over the Silverton tramway—that is, along the line of route? Yes.
624. Have you been able to form an opinion as to its capabilities for traffic, both present and prospective? I made two trips over the Silverton tramway with the inspecting engineer, and I had every opportunity of inspecting the various works. I consider that it is quite equal to the requirements of Broken Hill.
625. Will you give us your opinion, not alone as to what you have seen as to the present requirements, but with regard to the probable development of the trade to Broken Hill? I think there is no limit to what you might carry upon that line so far as ordinary traffic is concerned. I think it will carry all the traffic which it will be required to carry for many years to come. If the single line is pushed it is only a question of laying a double line, but I think the single line will carry all the traffic for many years.

626. You say that with the construction of a double line there would be, practically, no limit to the goods traffic? If a double line were constructed there would be no limit.
627. Did you go over the Silverton tramway line from Broken Hill to Cockburn, on the South Australian border? Yes. J. Angus, Esq.
21 Feb., 1888.
628. What is your opinion as to the manner in which the tramway has been constructed, that is, as to its durability and strength? It has been well and faithfully constructed. Nothing has been left undone to make it a work of a permanent character. I have found no particular defect.
629. So far as you saw, the line is well and faithfully built? Yes.
630. Can you say whether in construction it is equal to the South Australian line from Petersburg to Cockburn? From appearances it is.
631. What is the gauge of the South Australian line upon that section? Three feet six.
632. The same gauge as the Silverton tramway? The same gauge.
633. Do you know whether the same rolling stock runs from the South Australian line on to the Silverton tramway line? The traffic inspector at the banquet at Silverton on the opening of the tramway distinctly said that arrangements had been entered into with the South Australian Government to find the rolling stock. The one rolling stock serves both lines.
634. There is a continued service? Yes.
635. Can you say whether the Silverton tramway line can carry as many tons per day over its length, which I believe is 35 miles, as can be carried by the South Australian Government on its line from Petersburg to the border, a distance of 160 miles? I should say that the tonnage was in favour of the Silverton tramway and the shorter distance.
636. Do you know whether already ample provision has been made for sidings on the Silverton tramway, or whether there would be any difficulty, if there were not sufficient sidings, in making sufficient? If the ground is available there could be no difficulty whatever in making any amount of shunting places or staff stations; in fact the traffic to be carried depends upon the distance between the staff stations, and, of course, general appliances—trucks and motive power.
637. You were in the district about a week? Yes.
638. Can you say from what you saw of the district that there is any prospect of permanent settlement beyond that dependent upon mining? The only thing I saw to be done was to kill rabbits, and run a few sheep.
639. I infer from what you say that in your opinion any large, permanent settlement which might take place in this district would be induced by mining purely? I certainly think so.
640. So that in the event, unfortunately, of the mining falling off or failing in their districts you think the population would fall off proportionately? I certainly think so.
641. Then so far as you could see was there any other source of traffic which would be likely to sufficiently maintain these tramway lines other than that arising from the mining interest? I did not see any other, nor did any other strike me.
642. Did you visit the tin-fields to the north of Broken Hill? No.
643. Do you know where they are? I am not acquainted with them.
644. You have not been over the country between Broken Hill and the tin-mines to the north? No, I have not.
645. Have you had your attention drawn to any plans showing their position? I take no interest in the tin-fields, and therefore I do not remember anything connected with them.
646. You are not able to give us any opinion? I should not like to venture an opinion unless I had been over the country and had seen it.
647. Have you formed any estimate of the carrying capacity in tons per week of the Silverton Tramway Company's Line? I am not altogether an expert in traffic, although I have had a good deal to do with it in one way or another.
648. You have not made any computation? No. I should not like to venture an opinion as to the capacity of the line. You can run a great deal of traffic on a single line with proper management.
649. You have already told the Committee that you think that the Silverton tramway line is equal to any probable traffic that might arise in these districts, but you now say that you are not able to compute it in tons? From what I saw going on I should not think that the traffic at present exceeds from 3,000 to 5,000 tons a week. Of course that is not nearly the limit of what could be carried on a single line. I know that from my experience in running ballast for construction.
650. When you say from 3,000 to 5,000 tons per week do you mean to say that that is all? I mean to, and from the Border.
651. You say that that is the outside estimate at the present time? Yes.
652. You think that no more is likely to arise within the next twelve months? That I cannot say.
653. *Chairman.*] Are you a miner? Yes.
654. A practical miner? Yes.
655. Have you been engaged in that line? Not in working, but I have paid a good deal in wages.
656. Do you think your one week's experience entitles you to speak so authoritatively with respect to it? If I can go over a country I can tell at once whether a line can be laid down. I know the output of Broken Hill Proprietary, and I know the population of Broken Hill.
657. But you cannot tell what is in the bowels of the earth? That, of course, I cannot tell; but I know that it would take nearly twelve months before any of the mines could be opened up and developed to give any traffic.
658. *Mr. Cooke.*] How long would it take to construct the proposed tramway? I could not say. It depends upon the means employed.
659. *Chairman.*] Supposing you had the contract—it is a distance of about 40 miles? Taking the country through which the other tramway passes I should think it would take about twelve months.
660. *Mr. Butterworth.*] Did you go into any other mine beside the Pinnacle and Rockwell mines, in that part? I was at the Copper Blow and the Potosi and other mines.
661. Did you go to Pretty's copper-mine? No; I did not hear of it.
662. Are you aware that it is much nearer to the proposed line than to the present line? I do not know anything about it.
663. Did you go to the Thackaringa mines? No.

- J. Angus, Esq. 664. Are you aware that the proposed line passes through those mines? No; I do not know.
665. Are you aware that what are said to be the largest concentration works in Australia are now going up at Thackaringa. I do not know anything about them. As far as concentration works are concerned they are against railway traffic.
666. Did you go to the White Bead mine? No.
667. Are you aware that it is very close to the proposed line? No.
668. Is it not true that the population of mining districts may be trebled or even multiplied by ten in a few months? It may.
669. And equally that places may be deserted, as Silverton has since the construction of this very line? No doubt the population fluctuates very much.
670. Did you traverse the country between Broken Hill and Piesse's Nob; and the "Mount Gipps Hotel"? No; I was not in that direction.
671. Are you aware that that is 9 miles through which this proposed tramway will pass that is not served at all by the present line, and that the whole of it is mineralised country? I have not been up in that direction.
672. *Chairman.*] Were you at Big Hill? No.
673. *Mr. Butterworth.*] Then your opinion of any mine to the south or west of Broken Hill is founded upon the fact that you saw five men at the Pinnacle—four men in the mine and one in the public-house—and three men at Rockwell. That is the only information you can give us? Yes.
674. *Chairman.*] Is there not a blacksmith's shop at Rockwell? I think I was told that they were putting in the bellows when I was there.

Max Thompson, Esq., called in, sworn, and examined:—

- M. Thompson, Esq. 675. *Chairman.*] What are you? I am the Assistant Engineer for Existing Lines in the Colony of New South Wales.
- 21 Feb., 1888. 676. *Mr. Cohen.*] Have you lately been over the Silverton tramway line? I have.
677. For the purpose of inspecting it? Yes.
678. I presume you did inspect it? I did.
679. Did you make a thorough inspection? From beginning to end.
680. I believe that the inspection you made is required by the Silverton Tramway Company's Act, is it not? Yes.
681. Did you make a report to the Government of your official inspection? I have not sent it in yet, but I believe it will be sent in to-day or to-morrow.
682. First of all, will you give us your opinion as to the manner in which the line has been constructed? My opinion is that it is a thoroughly well constructed line, in fact just the same sort of construction as the line in the South Australian territory.
683. You think it just as strong and durable? Yes.
684. You think the carrying capacity of the Silverton tramway is equal to the carrying capacity of the South Australian line from Cockburn to Petersburg? Yes.
685. That is, the Silverton tramway will carry all the traffic which will be brought to it by the South Australian line running from Petersburg to Cockburn? Yes.
686. Can you say whether, having regard to the length of the Silverton tramway line, its carrying capacity is beyond that of the South Australian line from Petersburg to Cockburn? I think that the tramway would carry more than the South Australian line would carry in the same time.
687. *Mr. Cooke.*] For what reason? On the Silverton line they have a crossing-place midway upon the length of the line, and as far as I can recall the crossing-places on the South Australian line they are far apart, consequently they can run more trains upon the Silverton tramway from both ends than could be run upon the other line.
688. In case the traffic increases very much on the South Australian line between Cockburn and Petersburg, what do you suppose the railway authorities will do? They will have either to duplicate the line or put in additional crossing-places.
689. I suppose they have facilities for that kind of thing? Yes.
690. *Mr. Cohen.*] Do you think the Silverton tramway line can be made to carry all the traffic which can be brought to it by the South Australian line, the South Australian line having added to it all the facilities necessary for any traffic which might go along it? I should certainly think so.
691. Have you visited what I may call the Broken Hill and Silverton Districts once, or more than once? Only once.
692. When was that? During last month.
693. How long were you there? About six days.
694. From what you saw of the district are you of opinion that a second line is required to meet the traffic? I do not think so.
695. Do you think that, having regard to the probable extension of the railway system of New South Wales to Broken Hill, it is desirable to have a second line constructed from the South Australian Border to Broken Hill? In that case I think it would be less desirable to have a second line.
696. Have you been informed, or did you ascertain what is the haulage per week upon the Silverton Tramway line? I believe it is between 1,500 and 2,000 tons, but I could not say for certain. I only know from hearsay.
697. Was that the full traffic both ways? To and from the border. What I know I have heard since from inquiries I have made. I was there at the opening of the line.
698. Were your inquiries made from persons in the district or from persons interested in the line? No.
699. *Chairman.*] Are you a miner? No.
700. You went to the district for the sole object of inspecting this line? Yes.
701. And for nothing else? No. Of course I visited mines.
702. Did you get instructions to test the value of the country in relation to the probable success or otherwise of the line? No. The information I have just given was received in conversation with persons whom I knew to have visited the district. Of course I could not tell whether they were interested in mines there or not.

C. A.
Goodchap,
Esq.

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720. Then, so far as regards the White Lead mine and the other mines going up to Broken Hill itself, supposing they were all in work, they would be better served by the proposed tramway than by the existing line? Undoubtedly, because the present line is some distance away from them, whereas the proposed line would go quite close to them.

721. Then when you said that the line might be disadvantageous between the Pinnacle and Broken Hill I presume you meant in the interests of the present Company? I meant to say that it is undesirable that lines should run in competition when there is only sufficient traffic for one line.

722. Do you mean undesirable in the public interest? I mean it is undesirable, having regard to the capital which is invested; you have two Companies, both struggling for the one object, with only sufficient traffic for one line. I think that it is undesirable, having regard to both public and private interests.

723. But I suppose the public might profit? That is an undue advantage which the public should not receive.

724. The mines between Broken Hill and the "Mount Gipps Hotel" would be better served by the proposed tramway passing through them, I suppose? Undoubtedly by the proposed line, inasmuch as there would be a shorter distance to traverse.

725. The proposed line would save them cartage? It would be an advantage to the general public that that line should be constructed by the Broken Hill Company, because the distance to the Border would be shorter.

726. It would be an undoubted advantage that some line should be constructed there? I could not say that, because I know nothing of that part of the country.

727. Would it be an advantage to the mines if they were being worked? If they were being worked.

728. Now, with reference to the tramway reserve at Broken Hill, showing a width of 3 chains with a road of a chain and a half on each side, is the whole of that reserve in your opinion requisite for the purposes of the Silverton Tramway Company in order that they may run their trains without danger or inconvenience? They certainly do not require that width to run their trains. It is a 3 foot 6 gauge. You would want 6 feet on each side. Seventeen feet would be ample for a single line, that is, for running purposes. It would be possible to run a quadrupled line on that width of reserve. That would be of course for mere running purposes.

729. If a siding were required what width would be necessary? That would depend upon whether it was a siding to which carts could go to unload, or whether it was a siding simply for the purpose of shunting trucks before taking them up to the platform.

730. Do you think it would be desirable to make a shunting place in the middle of the township? I should say not. In the first place I doubt whether 3 chains would give sufficient room for the purpose. You would require a very much larger space to make a terminus.

731. But as far as mere running goes, the space which I have mentioned is ample for the present line and the proposed line to run side by side? Ample. It is nearly 200 feet.

732. *Mr. Crouch.*] You have not been to Broken Hill? No.

733. I believe you sent an officer of the department to report upon the Silverton line? Yes.

734. Was his report generally favourable? I have not yet received it.

735. *Mr. Cohen.*] I understood you to say that the traffic between Broken Hill and Piesse's Nob would be better served if it were to be carried on to South Australia by the proposed rather than by the existing line? On the ground that it is the shorter distance, always assuming that the grades are about the same.

736. Assuming, as you have suggested in some of your answers, that there may not be sufficient traffic to justify the construction of the Broken Hill tramway, is it your opinion that the extension from Broken Hill to Piesse's Nob should be constructed by the Silverton Tramway Company? I think so. I am looking at the authority given in the Act for the Government to come in and purchase the lines at any future time, and it would be undesirable that there should be two lines running in competition with one another. Looking at the matter from that standpoint it would be desirable that there should be one line only going to this point.

737. *Chairman.*] You think it desirable that a tramway should be taken a little beyond the Pinnacle? Yes, so as to take in the mines.

738. Have you any information as to the value of the land along the proposed route? Yes.

739. You know that it is mineralised country? Yes.

740. And that there are many lodes? Yes; I have the stock exchange value of the mines along the line.

741. Do you not think that it would be desirable that a line should be constructed between Pinnacle and Broken Hill in order that the inhabitants might be saved the terrors of the bullock dray? If there were any large amount of traffic it would certainly be desirable to have railway communication.

742. *Mr. Bowman.*] We have been informed that there is a plain of some hundreds of miles in extent between the Pinnacle and Broken Hill. One witness told us that he saw three men at the Pinnacle and six at Thackaringa? My information shows that there are 200 people at Thackaringa at the present time.

743. *Mr. Crouch.*] In view of the power which the Government have to purchase the Silverton tramway line, do you think it would be desirable to construct a competing line? No, not from that standpoint. I think it would be better to double the Silverton line.

744. *Mr. Butterworth.*] But the doubling of the Silverton line would not serve the Thackaringa and other mines? No, certainly not. If present anticipations are realized there must some day be a railway in that direction.

745. *Mr. Bowman.*] A director of the Silverton Tramway Company, and of a number of mines in the district, Mr. Macgregor, says that the Silverton Tramway Company are quite prepared to run a branch line from the present tramway to Thackaringa if there were enough traffic to make it pay. Do you not think that that would be better than the construction of a second line? Certainly, I only said railway communication. I did not specify any route.

746. *Mr. Butterworth.*] I think you said you had a report with reference to the capital value of the mines along the route of the proposed tramway? I could furnish you with the information, but I have not it with me at the present moment.

ON THE BROKEN HILL TRAMWAY BILL.

THURSDAY, 23 FEBRUARY, 1888.

Present:—

MR. BOWMAN,

MR. COOKE.

MR. CROUCH,

D. O'CONNOR, ESQ., IN THE CHAIR.

Mr. Butterworth, instructed by Norton, Smith, and Westgarth, appeared on behalf of the promoters of the Bill. The Honorable H. E. Cohen, instructed by Mr. A'Beckett, appeared in support of the Petition of Mr. William P. Macgregor and others against the Bill.

Ducan Grant, Esq., called in, sworn, and examined:—

747. *Mr. Cohen.*] What are you? I am a railway contractor and mining speculator.

748. Are you connected with the Silverton Tramway Company? I am a director of the Silverton Tramway Company, also of some mining and concentrating Companies, and of several other Companies.

749. So that you are thoroughly acquainted with the Broken Hill and Silverton districts? Yes, I know each very well.

750. You are acquainted with the district along which the proposed Broken Hill tramway will pass, that is, Thackaringa and the Pinnacles? I know the Thackaringa district very well, but I do not know the Pinnacle. I know the country from within a mile or two of the Pinnacle up to Broken Hill very well.

751. You are acquainted with the country intervening between the Pinnacle and Broken Hill? Yes. I have shares in a number of mines along there.

752. How long have you been in the district? I reside in Melbourne. I go to the district occasionally. My head-quarters are at Melbourne.

753. Do you know how many mines at Thackaringa are sending ore to market? I do not know of more than two at the present time that are sending away any ore to speak of—those are the Gipsy Girl and the Pioneer. I am connected with the smelting works at Dry Creek, and so I know.

754. Have you any idea of what quantity both these mines are sending weekly? They generally send batches of about 50 tons. I think the average would be from 20 to 30 tons per week from both. They are always saying they will be sending more, but they do not send it. We might receive a batch of 50 tons from the Pioneer, and then we would not receive any more for a month; and the same with regard to the Gipsy Girl. The smelting Company with which I am connected have a contract with these mines to smelt their ore; that is how I know their output.

755. Where are the smelting works of which you speak? At Dry Creek, near Adelaide. We have a concentrating plant going up in the neighbourhood of these mines at Thackaringa to take their poor ores.

756. Do you think that will cause a larger output from the mines? I daresay there will be more ore. The ore which it will not pay to take away from the field will be concentrated. It is in reality an old system of washing. By this means the ore is reduced from about 5 or 6 tons of crude ore to 1 ton of concentrate, and the poor ores are made to pay. No doubt there will be a little more ore going away when this plant is at work, but it is a small plant, and will do only about 10 tons a day of concentrates, I dare say the output will be about 20 or 30 tons per week. Of course it will have the effect of reducing the amount of freight to be carried from the mines.

757. Do you know the line of route that it is proposed that the tramway sought to be authorized in the Bill should take? I have not seen the plan yet.

758. Looking at the plan before you, do you think that the proposed route would greatly cheapen the cost of transit to market from Thackaringa, from the Pinnacle, or from Broken Hill down to the Border? So far as Thackaringa is concerned there would not be much difference. We have a siding on our lines about $3\frac{1}{2}$ miles from Thackaringa, but they are not sending in ore to it yet. Of course a minimum price has to be charged, say 3 or 4 shillings a ton, and if the ore has to be carried any distance to the tramway of course it does not pay. It would pay better to carry it direct. The carriage might be cheapened by a shilling a ton, but that would be all, at the outside. Of course there would be a greater difference so far as the Pinnacle is concerned.

759. The greater the mileage over which the haulage takes place the more the cost per mile can be reduced? Yes; you will notice the same thing if you look at the tariffs of any Government line. You will find that they take goods for 10 miles for almost the same rate as they are carried 6 or 7 miles. The short distances do not pay. When you get up to 150 miles of course the rates gradually get cheaper. Of course I have had a great deal of experience in this matter as a railway contractor. We have often run goods ourselves for months together.

760. Have you had any large contracts? Yes; in Tasmania and South Australia.

761. Up to what amount? The last line that we made was 35 miles, from the main line to beyond Fingal, in Tasmania.

762. Have you made any calculations as to the tonnage per week which would require to be carried by the proposed tramway in order to make it pay interest upon the cost of construction? I made a calculation with regard to the Silverton tramway before I went into it. I estimated that if we got 2,000 tons a week we should make a fair dividend. I think that any Company could pay a small interest on about 1,500 tons. If they did less than that I think they could not do it. I am speaking now of the total carriage upon the line. It was represented to us that the Broken Hill traffic would be larger than it has turned out to be. It was said that it would be something like 5,000 or 6,000 tons, but I reduced it by one-third and brought it down to 2,000 tons a week; but we have not yet received that amount. We have now been running six or seven weeks, and Miller Brothers were running about six weeks before us. Our highest week's work has been 1,850 tons. Of course the freight fluctuates according to the coke. A shipment of 2,000 tons of coke will come in, and that of course will swell the returns of one week, but then we may go a little time without coke. I suppose the average would be about 1,600 tons per week. There will be more traffic within a few months. It takes a ton of coke to smelt a ton of bullion. At the present time the output of the Broken Hill mine is from 250 to 260 tons a week of bullion, and that, within a ton or two, is the quantity of coke that they use.

763. Is that from the Broken Hill mine alone? There is only one mine sending away bullion. It will not pay the other mines to smelt; they have not a sufficient body of ore; it pays them better to concentrate and to send it to Dry Creek.

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764.

D. Grant,
Esq.
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764. Do you think that the Silverton Tramway Company's line will be equal to the Broken Hill trade for some considerable time? I do not think the traffic will ever be so great as to prevent our carrying it over the line. We could take a thousand tons a day easily. We could run trains every hour or so.

765. *Mr. Crouch.*] On a single line? Yes, we should only have to have sidings. Silverton is only 16 miles from Broken Hill, and we could pass there. I dare say we could run five or six times the amount of traffic that we are at present running. At the present time there are two trains a day, and they are sufficient for the requirements of the whole place; in fact they are scarcely kept going. They are going to run a special passenger and goods train on the 1st of the month, but the South Australian Government think that it will be a loss. However they are willing to try it. The train will be for passengers and light goods. We could run ten trains a day, I think, if necessary.

766. You say that 1,500 tons a week would give a small dividend upon the outlay in construction. Apart from the trade from Broken Hill do you think that any such amount of traffic as that per week is likely to be obtained for the proposed tramway? Apart from the Broken Hill traffic there is no traffic at all. There is no coke going up to any other mine, and there is very little ore. The other places are called mines, but there are only a few men prospecting upon them. Of course we are doing the Silverton traffic as well as the Broken Hill traffic. I dare say we get 150 tons a week from Silverton. There are two or three mines there which send us a little ore.

767. I understood you to say that there were 250 tons of coke a week going to Broken Hill. Do you know when it is likely that there will be a coke traffic up to Broken Hill of 5,000 or 6,000 tons a week? I should very much like to see it, but I do not know how it is to come about unless ten more Broken Hills are developed. I daresay they will soon be using double the quantity of coke which they are now using. They may be producing shortly 500 or 600 tons per week, but none of that could go to the proposed tramway, because we have a contract with the Broken Hill proprietary for the whole of their traffic for five years. That was agreed to at the last meeting of the Board. They asked us to make a rebate on certain timber, and we offered to do so if they would give us a five years' contract on all their mines, and they agreed to our proposal.

768. Have you contracts with any other mines at the present time? No; they are not worth making the contracts with. A lot of these mines are said to be at work, but they are not producing a pound of ore. It seems to me that all that you have to do at the present time is to buy on the bed rock, and wait for the shares to go up and then sell them.

769. Is it proposed to extend the Silverton tramway line further north? We could do so if the traffic warranted it. Of course we must see something to warrant us in the expenditure. The Broken Hill proprietary are connecting with us at the present time.

770. As a matter of fact the Company would be prepared to go anywhere if the traffic would show itself? Yes, but I do not see much prospect of it at the present time.

771. Do you know the mines in the Rockwell Paddock? Yes, I was there last week.

772. How far are they from Broken Hill? From 9 to 12 miles.

773. Do you think the proposed tramway is likely to serve that district better than the proposed tramway? No, I think they would both be about the same. The one would be about as good as the other. There is no traffic, however, at present. I went to one claim there, the Sydney Rockwell. I saw one man, and two were said to be working below, but there was no one living there, and we had a great deal of trouble to get a drink of water. The men are prospecting, and that is all you can say.

774. Do you know the district north of Broken Hill, towards Piesse's Nob? Yes.

775. Is there no ore going from that district? There is not a pound from that district yet.

776. Do you know the tin-fields? I have not been out to them, although I know where they are. The suggested branch from Silverton to the tin-fields would be nearer by 10 or 12 miles than the other route, and if the tin-fields go ahead the line, I have no doubt, will be made. We do not know yet what the tin-fields are. However we have two years to think about the matter, and if meanwhile the tin-fields go ahead I daresay we shall extend the line in that direction.

777. The line direct from Silverton to the tin-fields would better serve those fields than a line which would bring the traffic down to Broken Hill? Yes, it would be nearer. The carriage would be a little cheaper. Of course when the distance becomes greater the difference begins to tell. The line, however, from Silverton would be the shorter.

778. Is the rolling stock used by the Silverton Tramway Company its own stock? No; we arranged with the South Australian Government to run for us. We were going to put on our own stock, but the Government demurred, and said they would rather make a contract for a number of years and run our traffic, making Broken Hill their terminus virtually instead of Cockburn.

779. Has the South Australian Government arrived at any decision with reference to connection with other lines which may be constructed from the Border to Broken Hill? They are bound by their contract to carry our traffic. I believe the Commissioner for Public Works, however, has said that although the Government would not connect with any other line, still if traffic were brought to the Government line they would take it away. They would not run two lines, but I do not suppose that any Government would refuse to carry away traffic which might be brought to it.

780. Can you say whether the Silverton tramway can carry as much traffic over their line as can be carried upon the South Australian line between Cockburn and Adelaide? One line can do exactly the same work as the other. The Silverton Company's line is built upon the same plan as the Government line. We have to run only 34 miles, and I suppose the South Australian Government would have to run from 250 to 300 miles from Cockburn to Adelaide. Of course we could do more work on our line within a given time than the South Australian Government could do upon theirs, owing to the difference in distance.

781. That is to say, you could run more trains in the day? Yes, and we could carry all the traffic going over their single line.

782. Do you regard the proposed tramway as a competing line with the Silverton tramway, or do you think it is necessary to meet the requirements of the district? Of course the line will be of no use unless it obtains the Broken Hill trade. Unless the Company can obtain a share of the Broken Hill proprietary's trade they will not be able to live. Two-thirds of our traffic comes from that claim.

783. How many blocks have the proprietors? Seven. They have floated off two blocks, 15 and 16, and they are going to float off block 10. They are now working 12 and 13. 14 is being worked, and in a few months from now will be sending away ore and will be requiring coke.

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784. *Mr. Cohen.*] I observe from the big plan that the Silverton tramway terminus will be in the tramway reserve, between Beryl and Blende streets, just near Bromide-street? That is the passenger terminus.
785. The reserve for that passenger terminus is in the centre of the town? Pretty well.
786. Can you tell me how great a width of the tramway reserve is likely to be occupied by the passenger terminus? We shall require it all. We have a double line, and there will be buildings. There will not be any too much room. We are fencing off the land now for the purposes of the terminus.
787. *Mr. Crouch.*] Are the Broken Hill people themselves opposed to the construction of this second line? I cannot say. I believe some petitions have been sent in, but I have not seen them.
788. *Mr. Butterworth.*] Where is the present passenger terminus? We have not a passenger terminus erected at present. We stop at the goods station, and coaches are run to and from the town.
789. Have you any power under your Act to make a passenger terminus in the middle of the town? I do not know; I have not read the Act. I know that the land was reserved for tramway purposes.
790. I observe that the schedule of your Act makes the line stop at the western corner of lease number 13, Broken Hill? I do not know where that is, but I know that the passenger station is to be at the point I have indicated. It will be upon the tramway reserve, and I am not aware that anyone else has a right to it. It will be a loss for us to run down there, but we are doing it for the convenience of the passengers. We shall not charge any more for the extra distance.
791. The terminus you are speaking of is not yet built? No, we are arranging for it.
792. Has any part of it been built? No. Our manager is there fixing it up.
793. You said just now that a portion of the land was fenced off; how long is it since that fence was started? I was there three weeks ago, and I arranged for the fence to be gone on with at once, but it is very hard to get labour.
794. We have evidence with reference to the market value of the various mines at present; you will see the list on the paper attached to the small plan? Some of the values are higher than those given in this list—the Rising Sun, for instance, is higher.
795. Yet you say that there will be no traffic, except from Broken Hill? I did not say that. I said that we had to rely upon Broken Hill at the present time for traffic. Of course I cannot say what they may be in two or three years time.
796. You will see in the list to which I have referred you that values are placed on other mines besides Broken Hill. If there is not considerable traffic from those mines it stands to reason that they will be entire failures? It does of course.
797. If these mines realise any considerable value it stands to reason that there must be a considerable quantity of ore? Yes; but nobody would build a railway on a speculation of that kind.
798. Have you been to any other place along the proposed line of route except Thackaringa? Yes; I have been to the Big Hill, but it is not worth much just now.
799. Have you been to the White Lead? Yes; I have had shares in nearly all of them. You can get a buggy at Broken Hill and drive round the White Lead and these mines within an hour.
800. It is 6 or 7 miles from Broken Hill, is it not? I do not know the exact distance, but I know that it is possible to drive out in about 20 minutes.
801. Are you still interested in a good many of these mines? I have not gone down that way much. I have gone more to the north lately, but I have had shares in nearly the whole of these mines.
802. Although you are interested in them you do not think any of them are of any value with the exception of the Broken Hill mines? I cannot see any decided traffic to rely upon from any other mines.
803. If these mines are of any value they have still to be developed and the traffic has still to come? Of course if they have traffic they will be all right.
804. Out of the four or the five blocks belonging to the Broken Hill proprietary there is only one shaft at work? There are several shafts, but the Broken Hill proprietary is the only mine that is sending anything away.
805. There are four or five different blocks forming the Broken Hill proprietary, but the ore now produced is coming out of one single hole? No; out of four or five. It comes out of one mine, but not out of one shaft. About a mile of the Company's property is being worked.
806. Out of the four different blocks now comprising the Broken Hill proprietary they are now raising ore from only one spot? No; from several spots. They are getting their dividends from 80 acres; they are working two blocks.
807. I understood you to say that there would soon be double the present amount of coke going to Broken Hill? Yes.
808. And that will be used in the same mine? Yes.
809. The Broken Hill south has not yet struck? They are not getting it heavy yet.
810. The proposed line from Silverton northward goes, I believe, to Purnamoota, but the tin-mines at Poolamacca are a good deal further to the eastward, are they not? I cannot say exactly from this plan.
811. Is not Poolamacca considerably north-east of Broken Hill? I do not know exactly where the Poolamacca mines are, but I know from surveys that they are about equal distances from Broken Hill and Silverton. Of course when you get to Silverton you are 20 miles from the border, whereas at Broken Hill you are 30 miles from the border, so that there would be 10 miles saving in carriage.
812. *Mr. Crouch.*] Are the tin-fields more likely to be served by the present than by the proposed line of tramway? If they were sending away ore from the field at the present time they would send it via Silverton, because the transit would be less costly.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BROKEN HILL TRAMWAY BILL.

(PETITION FOR LEAVE TO APPEAR BEFORE SELECT COMMITTEE—W. P. MACGREGOR AND OTHERS.)

Received by the Legislative Assembly, 29 November, 1887.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of
New South Wales, in Parliament assembled.

The humble Petition of William Peter MacGregor, William Robert Wilson, and William
Jamieson, of Broken Hill, in the Colony of New South Wales,—

SHOWETH:—

1. That leave has been obtained by Daniel O'Connor, Esquire, from your Honorable House to
bring in a Bill intituled "A Bill to authorize the construction and maintenance of a tramway from Cockburn,
on the border of South Australia, to Mount Gipps *via* Broken Hill."

2. That your Petitioners will be seriously and injuriously affected, and prejudiced and subjected to
great loss, if such Bill is passed, on the following grounds:—

a. That your Petitioners are large shareholders in a tramway authorized by Act of Parliament
in 1886 to be constructed from Cockburn to Broken Hill, *via* Silverton.

b. That this tramway is already open for traffic to Silverton, and almost completed to Broken
Hill at a cost of nearly £200,000.

c. That this tramway is ample for all the traffic requirements of the district.

Your Petitioners therefore humbly pray that they may be heard by their counsel, attorney, or agent,
or in person, before your Honorable House, or before the Select Committee, in opposition to the said Bill
and the provisions thereof, so far as the same relates to the said tramway, with liberty to adduce such
evidence as they may be advised in opposition thereto, or in support of this Petition.

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

Dated this 26th day of November, 1887.

WM. P. MACGREGOR.
WM. R. WILSON.
WILLIAM JAMIESON.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BROKEN HILL TRAMWAY BILL.

(PETITION AGAINST—INHABITANTS OF BROKEN HILL AND SILVERTON.)

Received by the Legislative Assembly, 23 February, 1888.

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

The Petition of the undersigned inhabitants of Broken Hill and Silverton and adjacent localities,—

HUMBLY SHOWETH:—

That a Bill entitled "The Broken Hill Tramway Bill," is sought to be passed through the Parliament of New South Wales, authorising the construction of a Tramway from Cockburn, the terminus on the western boundary of the Colony of New South Wales of the South Australian railway system, to the "Mount Gipps Hotel," *via* Thackaringa, Pinnacles, and Broken Hill.

That under the powers conferred by the Silverton Tramway Act, 1886, a Tramway has been already constructed from Cockburn (the starting point of the proposed new line), *via* Thackaringa, Silverton, and Mount Gipps Station Run to Broken Hill, and was opened for traffic on the 12th day of January last.

That it is recited in the preamble of the said Bill, now before your Honorable House, that "The mineral richness and commercial importance of the districts surrounding Thackaringa, the Pinnacles, the White Lead, Broken Hill, Round Hill, and Mount Gipps, in the said Colony, require that greater facilities for transit than now exist to and from the said districts should be provided," whereas in truth and fact the existing Silverton Tramway Company's line fully and adequately meets the requirements of the localities recited in the preamble of the Bill, with provision of a large increase of traffic.

That the enterprise and public spirit of the Silverton Tramway Company in expending nearly a quarter of a million sterling to connect the districts of Silverton and Broken Hill with the nearest railway system, and thus lessen the cost of living and the working of the mines, is deserving of recognition by your Honorable House in a way other than would be conferred by the authorising of a second and totally unnecessary line, such as the line now under your consideration.

That the Silverton Tramway Company are prepared, with the authority of Parliament, to make and construct any sidings or extensions of the existing line for facilitating traffic in any of the districts before named, if such extensions be required.

That by far the greatest portion of goods traffic to and from Cockburn and Broken Hill is and will be supplied by and on account of the mines of the Broken Hill Proprietary Company, the Block 14 Company, the British Broken Hill Company, the Broken Hill Junction Company, and adjoining mines, all of which are being connected by an extension with the existing Tramway at their own expense, amounting to over £40,000.

That the authorising of a second line to Broken Hill and beyond it will inflict heavy loss on many of your Petitioners and other inhabitants by their tenements being intersected and in some cases wholly taken from them for the purposes of constructing the second line, as no Crown Land is now available along the proposed route through the town of Broken Hill, and any diversion from it will be through improved lands, the compensation likely to be paid being no adequate recompense for the loss of the land.

That the traffic obtainable from the few working mines at Thackaringa will be almost wholly carried by the existing line, as the owners of large concentrating works now being erected at Thackaringa have contracted with the Silverton Tramway Company for the carriage of their ores.

That the traffic probable from the Pinnacles will not at most exceed one hundred tons per week, but at present it is too trifling to state as little or no mining is carried on there.

That the traffic to be expected from the localities other than Broken Hill is so small as not to be seriously entertained as a reason for the authorisation of any tramway, let alone a second one.

That the Local Land Board has refused to recommend the granting of the lease of the land required for this second line now before the Committee.

Your Petitioners, therefore, humbly pray that for the reasons set forth herein your Honorable House will refuse to sanction the construction of the line as is in the before named Bill mentioned.

And, as in duty bound, we will ever pray.

[Here follow 460 signatures.]

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BROKEN HILL WATER SUPPLY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE:

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
21 *June*, 1888.

SYDNEY: CHARLES POITER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 73. WEDNESDAY, 4 APRIL, 1888.

8. BROKEN HILL WATER SUPPLY BILL (*Formal Motion*):—*Mr. Thompson*, for Mr. Brunner, moved, pursuant to Notice,—
- (1.) That the Broken Hill Water Supply Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Kelly, Mr. Fletcher, Mr. Jones, Mr. Sydney Smith, Mr. Sutherland, Mr. Teece, Mr. Wall, Mr. De Courcy Browne, and Mr. Brunner.
- Question put and passed.
-

VOTES No. 106. THURSDAY, 21 JUNE, 1888.

3. BROKEN HILL WATER SUPPLY BILL:—*Mr. Fletcher*, for Mr. Brunner, 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 consideration and report this Bill was referred on 4th April, 1888. Ordered to be printed.
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1887-8.

BROKEN HILL WATER SUPPLY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 4th April, 1888, the "*Broken Hill Water Supply Bill*,"—beg to report to your Honorable House:—

That having examined the witnesses named in the list* (whose evidence will be found appended hereto), they proceeded to consider the Preamble, and the question being put from the Chair, "That this Preamble stand part of the Bill," it was negatived. * See list, page 5.

JAMES N. BRUNKER,
Chairman.

No. 3 Committee Room,
Sydney, 20th June, 1888.

PROCEEDINGS OF THE COMMITTEE.

 WEDNESDAY, 2 MAY, 1888.

MEMBERS PRESENT:—

Mr. Bruncker,	|	Mr. Fletcher,
Mr. Kelly,	|	Mr. De Courcy Browne.

Mr. Bruncker called to the Chair.

Entry from Votes and Proceedings read by the Clerk.

Printed copies of the Bill referred, together with the original Petition to introduce the same before the Committee.

Present—Thomas Marshall Esq. (*Solicitor for the Bill*).Harry Stockdale, Esq. (*one of the Promoters*), called in, sworn, and examined.

Room cleared.

Committee deliberated.

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

 THURSDAY, 3 MAY, 1888.

MEMBERS PRESENT:—

Mr. Bruncker in the Chair.

Mr. Kelly,		Mr. De Courcy Browne.
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Present—Thomas Marshall, Esq. (*Solicitor for the Bill*).Harry Stockdale, Esq. (*one of the Promoters*) called in and further examined.

Witness withdrew.

J. William James, Esq., called in, sworn, and examined.

Witness produced plan of the proposed Broken Hill Water Supply Scheme.

Room cleared.

Committee deliberated.

Reassembling of the Committee to be arranged by the Chairman.

[Adjourned.]

 WEDNESDAY, 9 MAY, 1888.

MEMBERS PRESENT:—

Mr. Bruncker,		Mr. De Courcy Browne.
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In the absence of a quorum, the meeting called for this day lapsed.

 WEDNESDAY, 30 MAY, 1888.

MEMBERS PRESENT:—

None.

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

 THURSDAY, 7 JUNE, 1888.

MEMBER PRESENT:—

Mr. Bruncker.

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

 WEDNESDAY, 13 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Bruncker in the Chair.

Mr. Kelly,		Mr. De Courcy Browne.
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Present,—Thomas Marshall, Esq. (*Solicitor for the Bill*), Harry Stockdale, Esq. (*one of the promoters*).

H. G. M'Kinney, Esq., called in, sworn, and examined.

Cross-examined by Mr. Marshall.

Witness withdrew.

Charles O'Neill, Esq., called in, sworn, and examined.

Witness withdrew.

Harry Stockdale, Esq., further examined.

Room cleared.

Committee deliberated.

Ordered,—That W. C. Bennett, Esq., Commissioner for Roads, be summoned to give evidence next meeting, and that he be supplied with a printed copy of the evidence.

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

 WEDNESDAY,

WEDNESDAY, 20 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Brunker in the Chair.
 Mr. Jones, | Mr. Kelly,
 Mr. De Courcy Browne.

Present,—Thomas Marshall, Esq. (*Solicitor for the Bill*)

W. C. Bennett, Esq. (*Commissioner for Roads*), called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and negatived.

Solicitor called in and informed.

Chairman to report to the House.

Claim from H. G. M'Kinney, Esq., for £3 8s. as witness' expenses,—considered and passed.

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

THE BROKEN HILL WATER SUPPLY BILL.

WEDNESDAY, 2 MAY, 1888.

Present:—

MR. BRUNKER,
MR. DE COURCY BROWNE,

MR. FLETCHER,
MR. KELLY.

J. N. BRUNKER, ESQ., IN THE CHAIR.

Thomas Marshall, Esq., solicitor, appeared on behalf of the promoters of the Bill.

Harry Stockdale, Esq., called in, sworn, and examined:—

1. *Mr. Marshall.*] You have inspected the route to be traversed by the aqueduct from the Darling down to Broken Hill, and visited the Menindie and Speculation Lakes? I have.
2. Do you know the requirements of Broken Hill? I do.
3. Is it necessary for them to have a water supply? It is most necessary.
4. Is there any other way of getting a permanent supply than by the plan provided for in this Bill? None that I know of.
5. Along the route which the pipes and flumes will traverse, including the lakes, will the water supply scheme be beneficial to that part of the country, or will it affect it prejudicially in any way? It will be most beneficial. The people are all anxious to have it.
6. Then from the point of starting from the Darling to the township is it the universal opinion of the people that a water supply is necessary? Yes.
7. And that it will improve the surrounding country? Yes.
8. I suppose it will cost vast sums of money to the originators of the bill? Yes.
9. *Chairman.*] Do you know the locality of Broken Hill? I do.
10. What is the population? 8,000 or 10,000 people.
11. What supply of water is there there at present? It is at present carried from different places. There is a little in the Government dam, and a little in Stephens' Creek, but I do not know whether the creek is not exhausted now.
12. The supply generally, then, is very bad? Yes, very bad. In October they were thinking of bringing water by rail from South Australia, but a providential thunderstorm did away with the necessity for that.
13. And it is considered that this water supply scheme which is being started by private enterprise will be beneficial to the whole of the population in that district? It will be very beneficial.
14. *Mr. Fletcher.*] Are you aware of any opposition to this scheme? No; but I am aware that there is a rival scheme.
15. Are you aware of any opposition to this scheme? I am aware of none whatever.
16. Have you any knowledge of the nature of the water that is got from the mines at Broken Hill? I have.

H. Stockdale,
Esq.
2 May, 1888.

- H. Stockdale,
Esq.
2 May, 1888.
17. And in your opinion is it fit for domestic use? It is not, and it is not used for domestic purposes. There is only one mine the water from which can be used for watering stock, the Sydney Rock Mine.
18. And from your knowledge of the district, more particularly Broken Hill itself, do you believe it would be possible to get any water supply in the immediate locality of Broken Hill? Not a permanent supply. Temporary supplies can be found.
19. Do I understand you to say that the inhabitants depend absolutely upon storm waters for their supply? They have done so up to the present time.
20. *Mr. Kelly.*] Your scheme would be beneficial to the whole of that country if carried out? Yes; it would benefit the country very materially. It is a mining country.
21. And would it be beneficial to the grazing country too? Yes. The station through which the pipes will pass is owned by one man, Mr. Hughes. His manager has offered us every facility, in the hope that if the water supply scheme is carried out the station may rely upon it in a bad year.
22. *Mr. Fletcher.*] You are doubtless aware that it has been the intention of past Governments to inaugurate an irrigation scheme for the whole Colony? Yes.
23. Would this water supply scheme if carried out in any way interfere with a comprehensive scheme of irrigation? No, not at all; we do not claim any rights or privileges in connection with the scheme.
24. *Chairman.*] What Mr. Fletcher wants to know is whether your taking the waters of the Darling will interfere with any general scheme of irrigation? No. What we mean to do is to take water only at a time when it is running strongly, to take in fact the surplus waters of the river. We shall always have a surplus supply in a large reservoir, which we shall fill when the river is high. When the water is low in the river we shall not require to go to the Darling at all.
25. *Mr. Fletcher.*] Then what you mean to convey is that the water you will conserve is the water that would flow to the sea? Yes, exactly.
26. *Mr. Kelly.*] Are you aware that the Government have already impounded the water in Menindie Lake? Yes. I saw the works in course of construction.
27. It is not proposed to use that water? No, we guarantee to put more water into the lake. It saves 14 miles of piping, and we shall keep the lake higher than we found it. Our scheme will make the lake permanent for all time, because we shall put more water into it than the evaporation and our supply scheme will take out of it.
28. *Mr. Fletcher.*] Then you will keep this particular lake as high as the Government when they constructed their dams, intended it to be? Yes, higher, because we shall put more than double the quantity into it than we shall take out of it.
29. *Mr. De Courcy Browne.*] You are one of the promoters of this Bill? I am.
30. How long have you been at Broken Hill? Twenty-one or twenty-two years.
31. How long have you been connected with this water scheme? Since last September or October.
32. Have you been over the route of the proposed works from the Darling where you purpose diverting the water to supply Broken Hill? Yes, many times.
33. How many times? Forty or fifty times.
34. Since last September? No, within the last twenty years. I crossed it over twenty years ago, and I have been over it three or four times within the last three months.
35. Has any survey been made? There has.
36. By whom? By Mr. James, C.E.
37. Have any plans been made of it? Yes.
38. Do you propose to call Mr. James to give evidence? I do not know. He can be called if necessary. I have no objection.
39. You say that there is no other water supply obtainable there? No; I did not say that. I said there was no permanent local supply, only such as could be got from the storm waters, and of that I am positive.
40. And it is the universal opinion up there that this Darling River scheme is the only one available? No; I did not say that. I said that it was the universal opinion that the scheme would be generally beneficial, and that the people were all in favour of a water scheme.
41. Are you correct in saying that none of the water from any of the mines is fit for human consumption? Yes.
42. You are sure of that? Perhaps some little supply from some mine may be used, but it is not considered beneficial, and people do not use the water. They prefer to buy water and cart it from long distances.
43. Are you aware that there are thousands of gallons of condensed water used daily there? No; I am not aware of that.
44. Has any Company been formed in connection with this scheme? No.
45. No capital subscribed? Yes.
46. How much? I do not know that I am at liberty to answer that.
47. You must? Well, no definite sum has been subscribed, but several gentlemen are perfectly satisfied to take it up. They are well-known, wealthy men, who can carry out the scheme.
48. How much capital has been subscribed? If you ask me that I cannot say. I do not know whether any has been subscribed, but these gentlemen have guaranteed to carry out the scheme.
49. So that at present there is no capital subscribed? No.
50. But the promoters are prepared if the Bill is passed to carry out the scheme? Yes.
51. By what means—a public company or their own capital? I do not know. It must be by their own capital. At the present moment it is only a syndicate.
52. How much capital has been subscribed by the syndicate? £5,000.
53. About what distance is it from the Darling to Broken Hill by this route along which you intend to convey the water? Sixty-six miles.
54. At what point on the Darling do you intend to divert the water? Near Menindie, the most permanent hole.
55. What is the difference in the level between Menindie and Broken Hill? Between 700 and 800 feet. The real fall is all the last 10 miles. The rest of the route is very flat. The water would be pumped up with one pump in the last 10 miles, and it will run down to Broken Hill, having a fall of 150 feet.

THURSDAY, 3 MAY, 1888.

Present:—

MR. BRUNKER.

MR. DE COURCY BROWNE, | MR. KELLY.

J. N. BRUNKER, ESQ., IN THE CHAIR.

Thomas Marshall, Esq., solicitor, appeared on behalf of the promoters of the Bill.

Harry Stockdale, Esq., called in, and further examined:—

56. *Chairman.*] Did I understand you to say yesterday that the water taken from natural sources is very frequently unfit for human consumption? Yes, it is of very inferior quality. Typhoid at the present time being rampant within the township is attributable to that. The doctors have written to the papers complaining that the water is causing sickness.

H. Stockdale,
Esq.

3 May, 1888.

57. It is generally admitted that the water in its natural state is detrimental to health? Yes. The cess-pits in Broken Hill are just cut out of the soil, and the soil being loamy the excrement of 10,000 people finds its way into any water-holes. The only water that there is is soakage and storm water.

58. *Mr. Marshall.*] What is the charge for this soakage water at Broken Hill? It was 7s. 6d. a hundred gallons when I left; I believe that now it is 10s. The water from the Government dam is charged for at the same rate.

59. You were asked yesterday by Mr. De Courcy Browne whether the Company was formed. Do you not know that a Company has been formed, consisting of Messrs. G. H. Cox, R. H. D. White, Henry Westcott, Joseph Marshall, Frederick Squire Tidswell, John James Horrocks, Edmund Henry Taylor, James Ranken Peebles, Henry Stockdale, George Adams, Montague Marks, and T. A. Strickland. Do you not know that those are the present Company, and that they are seeking the power to construct the water works? Yes, but I considered that that was a syndicate. I thought that a Company was not a Company until it was registered, and had deeds of association. I know that these gentlemen have formed themselves into an association to carry out the scheme in its entirety.

60. And they are the persons asking for these powers? Yes.

61. At present they have only subscribed £5,000 towards preliminary expenses, but they have undertaken to subscribe the balance? They have.

62. *Mr. Kelly.*] I understand that Broken Hill is a mineral country? It is.

63. Have you any copper in the neighbourhood of the town? Yes, in all the mines there are traces of copper.

64. Do you know that where you have copper you have poisonous water necessarily? I have heard so.

65. Have you carbonates of copper there? Yes, and carbonates of lead. Mr. Piper, the underground manager of the Broken Hill mine told me that he had brought up fox terriers, but was unable to keep them, because they died from the fumes around the mines. The men get leaded there in the workings. There was a case of a man whose insurance, although he had passed for a first-class life, was refused because of his having been leaded.

66. You say that there is copper all through the soil more or less? Yes, and there is copper in the mines.

67. And the drainage water would come over those lodes of copper? Yes, over all the surface lodes, anything cropping up.

68. Do you know of your own knowledge that carbonates of copper are more or less poisonous? I have heard that they carried deadly poisons.

69. Is there any country lying north-west of Broken Hill which is stocked? Yes, the country is stocked on all sides.

70. Are there any people living on the other side of Broken Hill who have stock? Yes, all the country is stocked.

71. How do the people reach the nearest water from Broken Hill in dry seasons with fat stock travelling to market? I do not think that it is possible in dry seasons to get to the market, unless they use the stock wells of the lessees as a matter of favour.

72. If this water supply system were carried out would it be possible to reach the market from Broken Hill by travelling on the route of the water mains? Yes, they might follow that route, as the pipes will be within a mile or two of the road all the way.

73. Do you think your Company would be likely to assist people to get water when travelling stock? That is one of the things respecting which advice has been specially given to the engineer, who will explain that matter. There are to be valves at different stages.

74. And in that way you conceive that you will be doing even more good than in carrying the water to Broken Hill? Yes, even a greater public benefit, I believe.

75. How much water would you imagine there is in Menindie lake. Is it possible to affect that supply by what you will take out of it? No, because we guarantee to put in a far greater quantity than we take out or will be lost by evaporation. We could send 40,000 gallons into it as easily as we could send 1,000 gallons, and we only require 40,000 or 50,000 gallons a day for the supply of Broken Hill. Except when the Darling is still, we should be pumping into Menindie Lake, and I think that would make it a permanent supply of water. I do not think that the evaporation would amount to anything like half the quantity that we should put in. The requirements of Broken Hill at the present time are between 40,000 and 50,000 gallons a day. No doubt the people would consume more if the water which they got were cheaper and of a better quality.

76. Are the people suffering from the want of water at the present time—would they be more comfortable if they had more? That is so. You cannot get a bath at any hotel for love or money. You can get a salt water bath for 1s. 3d. down the town, but you cannot brush your hair after it, and to get that you must walk a $\frac{1}{4}$ of a mile.

John William James, Esq., called in, sworn, and examined:—

77. *Chairman.*] What is your profession? Civil Engineer.

78. You have been engaged on this Broken Hill water supply scheme, I believe? Yes.

79. Have you the plans of the proposed works? I have.

876—B

J. W. James,
Esq.

80. 3 May, 1888.

- J. W. James, Esq.
3 May, 1888.
80. Will you give the Committee any information you can with reference to what it is proposed to do as to the levels, and the probability of the successful carrying out of the undertaking? It is proposed to take the water direct from the Darling River, utilising one of the lakes on the route.
81. What is the distance from the river at the point from which you take the water to the works? The distance from the river to the pump at Lake Speculation is $16\frac{1}{2}$ miles. That is termed the first section. The distance from that point to Broken Hill, to the centre of the township, is 51 miles and a few chains, making a total length of $68\frac{1}{2}$ miles from the river into the town. That allows for a circuit round Menindie Lake.
82. What are the net levels? It is an ascending grade from the river bank until the Rockwell Paddock is reached. It is an ascending grade the whole of the way from Menindie to Lake Speculation, but there is little difference between the two points. There is no great impediment in the way, not more than 20 odd feet; but from there to Lake Speculation, at the foot of the Rockwell Paddock, it proceeds between two shafts. Everything is taken in a direct line, that is where the first heavy altitudes begin.
83. What is the gradient? Between 700 and 800 feet, to the Rockwell Paddock.
84. *Mr. De Courcy Browne.*] Can you give us a more exact estimate than that? If I turn up the plans I can. The reduced levels are all on the plans.
85. *Chairman.*] And you think it possible by the scheme to carry the water successfully from the Darling to Broken Hill? Yes.
86. *Mr. De Courcy Browne.*] Will you kindly give us your qualifications, Mr. James? I have a certificate of the Institute of Civil Engineers, Great Westminster, London. I was a pupil of George Robert Stephenson, who signed my certificate. I am a life member of the Geological Society of England, Burlington House, Piccadilly; I hold an engineer's and surveyor's certificate under the Navigation Act of Queensland, 1876; and I was admitted as a geological surveyor in London, in 1876.
87. Under what body? I was a geological surveyor to be sent out to the Crown colonies in Africa.
88. Under what authority? The President and Council of the Geological Society, London.
89. That is, you are a surveyor of the Geological Society, London? Yes.
90. You have been employed in the Water Supply Department of this Colony, have you not? Yes, I have; in the Harbour and Rivers Department.
91. How do you propose to pump this water to Broken Hill? By relays of pumps.
92. Just explain shortly how you mean? Well, the relays will be at certain points, say at point A and again at point B where there would be a tank.
93. A would represent the point on the Darling? Yes, and B would be a certain distance from the Darling, say 8 miles, according to the contour of the country, and the next would perhaps be 8 miles further on, and so on to the point of termination, utilising a standpipe where necessary to do away with the expense of pumping. The water would be placed at such an altitude at one point that its own weight would carry it to a certain point further on.
94. Do you purpose using pipes from the point A to the point of termination? Yes.
95. What size? From point A to point B, which would be Lake Speculation, forming section No. 1, it would be necessary to use a large pipe.
96. How large? A pipe of not less than a foot possibly. That will be decided by the cost and other circumstances. It might be 18 inches, but a foot is all that would be necessary for years to come.
97. That would be to carry the water from the river to the first section? Yes.
98. What sized pipe do you purpose using after passing Lake Speculation? A 9-inch pipe for a certain distance, and after that a 6-inch pipe to the terminus.
99. Can you tell me from memory what the discharge of water will be at your point of termination from a 9-inch pipe? The discharge during twenty-four hours will be according to the speed at which you are working your pump.
100. Give us the formula, that is the way to do it? You can get 150,000 gallons through comfortably in twenty-four hours. The only thing to be looked to is the friction head, which will reduce it.
101. What do you calculate the friction head at? It will depend upon the way the pipes are laid. The easier the gradient the better it will be.
102. Take the first section from the river, where there is 12 feet of a rise. What will be the friction head there on that distance? I forget the exact calculation, it is not very heavy.
103. You cannot tell what the friction head would be from memory? No.
104. At the point of termination at Broken Hill what do you purpose doing with the water; will you have a retaining dam or reservoir? Yes, a large surface reservoir.
105. How much below the level of Broken Hill township is the reservoir to be? It will be above the level of Broken Hill.
106. How much? It is about 75 feet above the town.
107. Then the water will come from the reservoir to Broken Hill by gravitation? Yes, to a certain point it will, but it will not go over the whole township.
108. Will you pump the water from the reservoir to Broken Hill? To supply the higher parts we shall, but going round the side and away to the northward the water will be carried by gravitation.
109. Will you pump the water from the reservoir into the township? It will go by gravitation into the lower part, and it will be pumped up into the higher parts.
110. *Chairman.*] Have you any filtered beds? No, none are provided for at present.
111. *Mr. Kelly.*] Have the promoters of this Company questioned you as to the feasibility of this scheme? Oh yes.
112. Have they questioned any other engineer? That I do not know.
113. Do you think it likely that they would do so? I believe that they would. Mr. Westcott, one of the promoters, is one of the best public men in the country.
114. You do not think it likely that he would put his money into it unless he thought it was going to be a success? I am perfectly sure that he would not.
115. You are a geological surveyor? Yes.
116. You have seen and know something about Broken Hill? Yes, a little.
117. Are there indications of copper there? There are.
118. All round the township? I could not say exactly. You can see it in the Rockwell Paddock.
119. Are carbonates of copper poisonous? Certainly.
120. Would water in soil containing it be poisonous? If it went directly through it, not if it went over it.

121. If water was conserved in the neighbourhood of Broken Hill in any excavation, do you think it would be as good as the Darling River water? If it was rain water it would.
122. Even if it went through carbonates of copper? Carbonates of copper would not affect it, unless there was a large quantity of water lying stagnant on the carbonates.
123. There is arsenical iron, pyrites, and lead in the neighbourhood of Broken Hill? Yes; and what they term lead-poisoning takes place, but that is nothing else than arsenical poisoning in a different form.
124. Do you think the water from the Darling would be preferable to any water that could be conserved in the neighbourhood of Broken Hill? I do. All surface water would be good.
125. But if it is lying on the surface where poisonous fumes are coming up, and which are precipitated and fall upon the ground, will it be good then? No, it will not, if you are close to the fumes.
126. If any portion of the fumes were washed into a dam? A few miles from it there is very little to fear, and the reservoir is some distance from Broken Hill.
127. You have that poisonous stuff on the surface at Broken Hill, I believe? Yes.
128. Would it be possible to conserve water on the surface and have it as good as water pumped up from the Darling? The water from the Darling would be the best.
129. Suppose a man makes a tank in the town and utilises the rain-water, there being poisonous elements in the surface of the soil, and fumes rising from them, would that water be as good after it had been over those poisonous fumes and that poisonous stuff, as the Darling water? No. You can go further than that. Rain water from the roofs of the houses there is heavily charged with arsenic.
130. *Chairman.*] The question is whether the water conserved in close proximity to where these fumes arise will be equal in quality to the water taken from the Darling? It is very evident that any water close to the fumes of such large furnaces must always be impregnated more or less.
131. *Mr. Kelly.*] Have you any knowledge of what the general supply of Broken Hill is? Upwards of 40,000 gallons a day.
132. Is that sufficient for the requirements of the people? No. You may assume that over 20 gallons per head will be required for the twelve hours.
133. What is the quality of the water? It is very bad; bad in colour, thick, and as for taste it is something horrible.
134. And the cost? I think 7s. or 8s. a tank—as much as a horse would haul—they have so far to go for it.
135. What distance? Seven or 8 miles. When we were in camp at the Rockwell Paddock we had to go much further than that.
136. *Mr. Marshall.*] Is it possible to supply the town with condensed water? It would be possible, if you had clean salt-water to condense from.
137. But with the water from natural sources? That would be the water in the mines, I suppose. I do not think it is practicable. It could be done at a very heavy cost.
138. Then these poisonous fumes are constantly precipitating poisonous matter? They are.
139. And would that precipitation affect any kind of water supplied by those works or otherwise? It would at the first contact; but, of course, the greater the bulk of the water the greater the solution.
140. And there is a constant precipitation? Yes; but in bringing a line of pipes into the town the water would be completely covered.
141. And that is what you intend to do? Yes; that is the meaning of keeping the reservoir at the back of the Maculka ranges in the Rockwell Paddock.
142. Then the water carried into the town by your scheme would not be affected by this precipitation? It would not until the big smelter got into the Rockwell Paddock. It is so far away, and the area is so large that I do not see any probability of that.
143. Is not the present means of water supply affected by soakage? It is greatly affected by it.
144. And does that have the affect of causing sickness in the town? Yes; it carries all zymotic diseases with it.
145. *Mr. Kelly.*] Are you the same Mr. James who was in the employ of the Government and suggested water schemes for Dubbo and various other towns throughout the Colony? I am.
146. *Chairman.*] Have you any idea of the amount which is likely to be expended by the Company on these works? I estimate the approximate cost, allowing £20,000 for labour, at £145,000. The estimate will be affected very greatly by the cost of the carriage of materials inland. I had a large experience of that in another country, carriage being there the heaviest item. I estimate it at £4 a ton.

WEDNESDAY, 13 JUNE, 1888.

Present:—

MR. BRUNKER,

MR. DE COURCY BROWNE; | MR. KELLY.

J. N. BRUNKER, Esq., IN THE CHAIR.

Thomas Marshall, Esq., solicitor, appeared on behalf of the promoters of the Bill.

Hugh Giffen M'Kinney, Esq., called in, sworn, and examined:—

147. *Chairman.*] What are you by profession? A civil engineer.
148. Do you know anything of the country between Broken Hill and the Darling? Well, I have made it my special study to make up the country generally; but I have not a personal knowledge of it. I have not been over it. I have been to Wentworth and to a considerable distance up the Darling; but I have not been over that part between Menindie and Broken Hill. I may state, that for the Water Commission I worked out the catchment areas of all the principal streams and rivers in the Colony, so that in that way I got a pretty good amount of information about matters of that description. In fact, I marked them all out on a map, which accompanied the first report of the Royal Commission on the conservation of water.
149. Do you consider then, from your general knowledge of these matters, that a scheme is practicable to convey water from the Darling to Speculation Lake, and from that place to Broken Hill? It is possible; but I should scarcely call it practicable. I mean that it is a very much bolder proposal than I have ever heard of for the supply of water to any town.

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150. What is the distance? It is about 70 miles.
151. You think it possible? Oh yes, decidedly.
152. What you mean by that, I suppose, is that it would be a somewhat difficult and expensive work? Expensive, and attended with great risks.
153. With great risks? There is great risk of breakage in such a long line of pipes subjected to pressure. In fact, to provide for breaks it would be necessary to have relieving reservoirs at intervals between Menindie and Broken Hill. That would be the necessary way to minimise the danger.
154. But having a knowledge of the liability of risk and breakage in undertaking this work the Company will, I presume, make provision so as to avert anything of the kind. Would your knowledge as a professional man lead you to think that? They should certainly do so; but it is quite another matter whether they would appreciate the risks or not.
155. That, of course, would depend upon the professional advice they had? No doubt.
156. Have you any idea of the necessity for a supply of water to Broken Hill? I am well aware that a supply is very necessary, both from the reports that I hear in the Mines Department, and the reports I read in the public papers.
157. Having seen the plan, have you any reason to change the opinion you have just given? I have not. As I say, I think the scheme is possible, but it is one attended with a great deal of risk and expense. There is one point that occurs to me in regard to the supply of so many engines with fuel along the line. I am not aware that the country is densely timbered, but I should fancy it is not. I should fancy that fuel would be found an extremely expensive item for so many pumping stations.
158. But with provision made for pumping stations you think the scheme would be carried out? It is possible to do so.
159. Have you any knowledge of the quality of the water of the Darling? I know that when it falls low at a good number of places it is inferior; but speaking generally, it is good. I have seen it very low at about 40 or 50 miles above Wentworth; but I should not like to give any decided opinion about the quality of the water. I know that in some places it does become inferior.
160. *Mr. De Courcy Browne.*] You have a copy of the evidence before you; will you just glance at Mr. J. W. James' evidence—question 86. Have you any knowledge as to the character of those certificates; is there any professional qualification in any of them? Being connected with the Geological Society of England is not a matter which would give any experience of value in connection with this work. As to his position in the Institute of Civil Engineers, I understand that Mr. James is an associate of that institution.
161. Do you know the professional value of a certificate of the Institute of Civil Engineers to enable you to form an opinion as to his status as an engineer on water supply? I know that the position in the Institute of Civil Engineers which Mr. James occupies is one which the rules of the institution state is intended for people who do not follow engineering as a profession, but who are connected with engineering. I am sorry I have not a copy of the rules of the institution with me. There are several different grades in the Institute of Civil Engineers. First, there is the honorary degree. That is for distinguished engineers, or patrons of engineering. Then there is the degree of member of the institution. That is intended for engineers by profession who have attained to some standing. Then there is the degree of associate member. That is intended really for younger members of the profession who have not had any great experience. Then there is the degree of associate for those who are professionally allied to engineers. One of the contractors on the Sydney water supply works was an associate.
162. He was not a professional? No.
163. "I am a life member of the Geological Society of England"—does that carry any professional distinction as an engineer with it? I should say not as an engineer.
164. "I hold an engineer's and surveyor's certificate under the Navigation Act of Queensland, 1876"—can you give us the value of that distinction? I really could not.
165. You are connected now with the Department of Water Supply? I am engineer for water conservation.
166. Question 91 says, "How do you propose to pump this water to Broken Hill? By relays of pumps." Question 93 says, "A would represent the point on the Darling? Yes, and B would be a certain distance from the Darling, say 8 miles, according to the contour of the country, and the next would perhaps be 8 miles further on, and so on to the point of termination, utilising a stand-pipe where necessary to do away with the expense of pumping. The water would be placed at such an altitude at one point that its own weight would carry it to a certain point further on"? I must say that the meaning of that is very obscure.
167. Can you give us any intelligent explanation of what that means. I cannot say that I can. It says here that "the water would be placed at such an altitude at one point that its own weight would carry it to a point further on." That must mean that it would be pumped up to a considerable height at one place and the weight would carry it from there. I fail to see how there is to be any great saving in power in that way. I cannot see any service it is likely to do to affect the object mentioned here.
168. *Chairman.*] But it is possible to place the water at an altitude that would enable it by its own weight to carry further on? It could be forced into a stand-pipe, and that would force the water further on. But still it seems to me that there is no saving of power in that way. If there is anything at all it certainly would not be anything of importance.
169. *Mr. De Courcy Browne.*] You have a fair general knowledge I presume, of water conservation and water-works generally in various parts of the world, both from observation and from reading? I have had a pretty wide experience. I have been employed all my life on water works.
170. With regard to a scheme which purposes to raise the water from the Darling River at Menindie, pump it into a lake 16 miles further, lift it out of that lake by pumping, and send it by relays of pipes 68½ miles, are you able to give any opinion as to the character of such a scheme? It is certainly a proposal such as I have never heard of before. I have gone to a good deal of trouble generally to keep myself acquainted with proposals that have been made to supply both cities and country towns, and I have never seen a case that would correspond to this; I mean where pumping was carried on so boldly to such an extent.
171. Can you tell us what the discharge of a 6-inch pipe at a distance of 68 miles from the Darling River would be into a reservoir at Broken Hill? It would be very small indeed. It is a matter that would require

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require a certain amount of working out; but, as I understand, the pipe was intended to start off with a larger size before that. Of course, the discharge of a 6-inch pipe would depend upon whether the power of the engines was kept up to such an extent as to keep up the discharge. The friction of a 6-inch pipe is a great deal more than the discharge proportionately than the friction with a 10 or 12-inch pipe, so that to force the same quantity of water through a 6-inch pipe you want an engine of much greater power. I worked out what would be the friction in an 8-inch pipe for that length of 70 miles, and I found that it would be almost equivalent to doubling the height, that is, the head of friction would be something like 800 feet. The question how much water would be discharged at the end of that distance is one that can scarcely be answered, because if you provide a greater power you can discharge the whole supply; but you want to increase your power as you diminish your pipe.

172. Taking the rise from Menindie to Broken Hill at 800 feet, just for argument's sake, the friction head would make that equal to 1,600 feet? Yes; it would be quite that.

173. For which power would have to be provided? Yes; the power would have to be provided for that. I fancy that in connection with a scheme like that, the question of fuel would be a very serious one. Of course, as I say, I do not know whether fuel is available in large quantities, but engines of the power that are mentioned here would use up a large quantity of fuel.

174. Give us an idea of what the engine-power would be at Menindie to pump that water into Lake Speculation, a distance of $16\frac{1}{2}$ miles, with a rise of 22 feet, and a 12-inch pipe? It would be well to have your engine able to deliver double the quantity you required. To raise 359,000 gallons of water in twenty-four hours to a height of 2,130 feet (I thought when I heard about the pumping that was to be done here, that the total head, including head for friction, would amount to about that) would require 161 horse-power, without allowing anything for friction. That is the actual power exercised in raising the water to that height. The total amount of power that would be required in this case, I should say would be, at the very least, 300-horse power. That would be a very low estimate indeed, and without allowing anything for spare power.

175. *Chairman.*] 300-horse power would be required to supply what quantity of water? The actual theoretical horse-power to carry 359,000 gallons of water in twenty-four hours to a height of 2,130 feet, would be 161.

176. *Mr. De Courcy Browne.*] That is the friction height? That is the friction height. I was taking it as 1,000 feet to be raised altogether, and being doubled by friction.

177. You say it will take 300-horse power? That is allowing for waste of horse-power generally. It would not be less than 300.

178. This idea of having relays of pumping stations from Menindie to Broken Hill; have you in your reading or observation ever heard of such a scheme? No, I have not.

179. At these pumping stations then, every 8 miles a similar power for machinery would be required? Yes; but what I mention there is the total power for the total height. You would want (say) ten stations of 30-horse power each.

180. *Mr. Kelly.*] Without the friction? That would be allowing for the friction. I took the height as very slightly more. I did not know what the details were. I just heard that it was proposed to raise the water up to Broken Hill, and I took the height of Broken Hill, which I knew was over 1,000 feet.

181. *Mr. De Courcy Browne.*] With so many pumping stations as that would there not be a great risk of breaking down and delays, and the possibility of the stoppage of supplies? Yes, there certainly would. That would have to be provided for in several ways, duplicating machinery, and providing reservoirs. I do not know what size they will be, but I should say that every one of these should hold at least one day's supply.

182. *Chairman.*] Assuming that you had an 8-inch pipe and these 30-horse power engines were supplied at intervening stations, the number required being somewhere about seven or eight, what would the discharge be then? You could discharge over 150,000 gallons a day easily with them.

183. *Mr. De Courcy Browne.*] Mr. James says that he would start with a 12-inch pipe, reduce it to a 9-inch pipe, and finish up with a 6-inch pipe. Do you call that a professional idea, such as an engineer competent to carry out a water supply would indulge in. He starts with a 12-inch pipe, reduces it to a 9-inch, which increases the friction and requires greater power, and then reduces it to a 6-inch, which requires more friction and more power to deliver a certain quantity of water? It certainly seems a curious arrangement, but there may be some reason for it. Reducing it to a 6-inch pipe at the last is certainly taking it smaller than I should do. The friction in a 6-inch pipe discharging 150,000 gallons per day would be very high indeed.

184. And very risky, I presume, for the pipe? The velocity would be high of course. I would not like to say that there was any actual risk in discharging that; but certainly the power wanted would be high.

185. *Mr. Kelly.*] I heard you say that you had made a calculation of the catchment of the Darling at Menindie? I have got calculations of the catchment areas of all the rivers in the Colony. It is at the end of the first report of the Water Commission.

186. Do you see the elevations that are described on the chart at 8 miles apart. There are ten pumping stations with a rise of 900 feet? Yes.

187. Now do they propose to force the water to an altitude of 100 feet at each station, and to run it from that altitude down; or do they propose to send the water gradually up that altitude at every 8 or 9 miles, according to the plan? According to the plan they run the water in most cases along the natural inclination of the ground. They have elevated tanks in some cases, or stand pipes; it is not very clear what they are exactly.

188. How can they bring in that case their pressure to bear, if they first of all pump the water up to an altitude without a direct pressure. It appears to me that they must have a direct pressure on their pipes for the 8 or 9 miles. They cannot drive it to an elevation and then drive it down through the tank and up the pipes. They must either use gravitation or force. They might drive it up 150 feet and then down to the tank a mile away and let it flow of itself; but in this case they propose to force it by mere power, do they not? Yes.

189. There is no use, as I can see, in raising the water at the pumping stations? I cannot see any sufficient reason.

190. You cannot see any object in these tanks at the pumping stations excepting enough to supply the pump or help the water along? One great object of a stand-pipe is to steady the flow. 191.

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191. But there is a reservoir? I do not see how both are required.
192. If you send it to an altitude and bring it down by gravitation you do away with force? Yes. I entirely fail to see the point in that arrangement.
193. Do you think that anybody who would suggest such a thing as that understood it practically? Certainly, on the face of it, it is not a thing that would be expected by anybody. He might have had some reason for it which does not appear on the plans. He has no reason that suggests itself, and as to the reason that is given in the evidence it is certainly not quite intelligible. It mentions there too a friction head which would depend upon the way the pipes were laid.
194. *Mr. De Courcy Browne.*] If it were going down hill it would be a horse of another colour? "The friction depends very little indeed on the way the pipes are laid." If they are laid with abrupt bends it adds to the friction; but if they are laid uniformly the friction is really the same whether the water is running up or down hill. The friction depends upon the length of the pipe, its circumference, and the velocity of the water.
195. *Mr. Kelly.*] And you see no necessity for these reservoirs at stated intervals, excepting that they would act in the case of a breakdown. They would afford a supply at each place in the case of the breakdown of any particular section? Yes. I should say that at least a day's supply would be required at everyone of these stations for that purpose.
196. What would be the cost of working the scheme as proposed; could it be worked cheaply? I should fancy that would be one of the most serious objections to it that it would be very expensive. Pumping stations are very expensive to work. I know that that large pumping supply they have on the Goulburn in Victoria costs about £2,000 a year to keep up. Of course, the engines there are much larger, the power is greater; but I question whether each of these pumping stations would not cost £600 or £700 a year.
197. As to the matter of wood, you have some knowledge of the Darling? In regard to the fuel I merely throw out the idea that if it is a country where fuel is difficult to obtain that is a very serious drawback.
198. What quantity of wood would the whole pumping machinery consume daily; what would a 300 horse-power engine cut up into ten thirties consume in wood? I should say it would be scarcely safe to reckon less than 12 to 14 pounds of wood per horse-power per hour. Say you had 300-horse power working twelve hours per day that is considerably over 22 tons per day altogether for fuel.
199. And how much coal would you allow per horse-power? A little less than half, I am speaking approximately. Roughly speaking dry wood would go about two of wood to one of coal.
200. Would these engines require to be of concentrated powers to require no greater than 20 tons daily, or would they be the ordinary engines? I should say they would be much about the average. I do not fancy it would be much over that. Of course, I could not give it exactly. It depends upon a great number of things. If you use wood not quite dry you use a very much larger quantity than if you use it dry. It makes a very wide difference indeed.
201. *Chairman.*] The same applied to coal—you consume a great deal more of some quality of coal than of another? Decidedly.
202. *Mr. Kelly.*] Have you been at Broken Hill? No.
203. *Chairman.*] Have you seen the pumping machinery at Maitland? No.
204. *Mr. Marshall.*] What power engine were you calculating for? I was assuming the rule generally.
205. Would it make any difference where engines are in duplicate, supposing you have only one engine? If you had duplicate engines of course you would provide against a breakdown.
206. If the scheme provided for duplicate engines would that not make a difference? Oh yes, decidedly.
207. Would an 8-inch pipe carry a sufficient supply for the district? An 8-inch pipe would carry an ample supply; an 8-inch pipe with a velocity of a little under 2 feet per second.
208. Do you know the quality of the water in Menindie Lake and the Darling? I cannot speak from personal knowledge.
209. You do not know anything about the retention of the water by the river? No; I cannot speak as to the state of the water in the river or the quantity there.
210. You have not surveyed the line, and of course you cannot tell what fuel there is? No.
211. They can if they like burn wood that is just half dry? Decidedly. It requires more of it, of course.
212. If it were very heavily wooded the cost of the fuel would not be so great as if it were scarce. Certainly not.
213. Do you know anything of the different wood for fuel? I have not tested the woods in this country.
214. Blood wood? I have never tried it for engine wood.
215. And box? I believe box is very good.
216. Outside the question of fuel the scheme with an 8-inch pipe is practicable and sufficient for the requirements of the district? It is quite possible; but it is a very risky scheme.
217. Do you know of a similar scheme anywhere in the world? No; I do not.
218. That is the only thing, you think, that it will probably be an expensive one? Yes, and very liable to risk. That is what I should consider the greatest objection to it.
219. If the engines were properly duplicated and great care taken to strengthen anything that might go wrong would there be any danger as to the constant supply of water? I think that in addition to that it would be necessary to have service reservoirs so as to provide for the possibility of a break.
220. If the service reservoirs were at different intervals would then the scheme be thoroughly secure? I think so, provided that these reservoirs contained, say each of them, at least one day's supply.
221. If they contained a week's supply, as they are intended to, what would you say of the scheme? I should say that if it were well carried out, the pipes properly laid, it would be quite practicable.
222. Wrought-iron pipes? Those are much less liable to breakage than cast-iron pipes.
223. *Chairman.*] What time do you think would be occupied in completing the work? Well, the quantity of pipes required would be a very heavy order indeed.
224. *Mr. De Courcy Browne.*] Could it be done in 18 months? I suppose the pipes would be manufactured in the Colonies?
225. *Mr. Marshall.*] Would you be surprised to hear that Tangye would complete all that order in two months and land them here in four in a special steamer? The information I have about the scheme is very meagre, and it would be quite impossible for me to estimate the time.
226. *Mr. Kelly.*] If you do not know anything as to the time that it would take to construct this system, have you any idea of what the cost would be from first to last? There again I would want to go into the matter of the wrought-iron pipes. Seventy miles of cast-iron pipes would weigh about 7,800 tons.

227. The question I asked you was could you give any information as to the total cost of the thing? I could not with the information at hand.
228. How thick are wrought-iron pipes usually? Of course they vary very much according to the pressure. I have used them only in short lengths. We used them on the Sydney water supply works for flumes.
229. How thick were they? They were, I think, generally about three-sixteenths of an inch.
230. Were they turned over and riveted? They were.
231. Have you had any experience of these pipes in the ground;—Have you ever seen them after they have been in the ground for five years? I have not seen wrought-iron, I have not seen cast-iron.
232. How long do you think wrought-iron pipes would last in a saline country? I know that in ground impregnated with salt they would corrode very quickly.
233. Do you know the Darling is a saline country? The plains that I saw from Wentworth up to within 40 or 50 miles of Broken Hill were to a great extent salt.

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Charles O'Neill, Esq., called in, sworn, and examined:—

234. *Chairman.*] What is your profession? A civil engineer.
235. What are your qualifications? As a civil engineer generally I have been engaged in all kinds of works for between thirty and forty years.
236. What are your professional qualifications? I am a member of the Institute of Engineers.
237. Have you been connected with water supply works professionally engaged? Yes.
238. What works? Well, I have been in New Zealand, at the Thames, and at Auckland. I reported on the Auckland works. I was in Otago preparing large schemes for reservoirs for supplying water to the gold-fields. I was in Glasgow when the works were brought in. At that time I held the position of Chief Assistant in the Public Works Office of Glasgow.
239. Have you any knowledge of the scheme now under consideration? I have.
240. Have you seen the plan that has been prepared? Yes.
241. Do you consider the scheme a practical one? I do.
242. What power do you think it would take to drive the water from the Darling to Speculation Lake? It is proposed in that scheme to take it up in lifts—seven lifts.
243. What would be the power required, assuming that these pumping stations were provided according to the plan suggested? You might take generally an 80-horse power engine nominal.
244. *Mr. De Courcy Browne.*] At each station? At each station.
245. *Chairman.*] And how many stations do you assume would be required in the 70 miles? Seven.
246. And assuming that 8-inch pipes were used the full distance, what quantity of water would that discharge at Broken Hill? I have taken an 8-inch pipe to be brought up as far as the reservoir. We propose to put a larger pipe from the reservoir to Broken Hill, because the flow will be by gravitation as a matter of course from the reservoir, and it will require a larger pipe.
247. What sized pipe? All the water I propose to take will be 400,000 gallons.
248. Are you engaged on the work? No; I was engaged to give a special report on the plans.
249. What would be the discharge according to your proposition? Over 400,000.
250. *Mr. De Courcy Browne.*] An 8-inch pipe? A 9-inch pipe from the reservoir.
251. Have you been to the Darling? No, I have not.
252. *Chairman.*] Do you propose to filter the water? Yes, into filter beds.
253. That, of course, would assist in contributing a supply of good water or a system that would improve the quality of the water? Yes; it would clarify the water.
254. How long do you think it would take to complete the work? I think it will be done in six months.
255. What is the character of the country? I am judging from the plans of the section. It appears that there is a little part of rough country towards one end, but the rest seems comparatively easy.
256. Do you think it possible to provide fuel in the locality to supply the engines? I cannot tell; I have not been there.
257. *Mr. De Courcy Browne.*] Will you look at question 93 of the evidence;—Have you any idea what it means? I presume that it means to force the water up to a certain height, and to let it go after that by gravitation.
258. Can you form a clear idea really of what Mr. James meant by the answer to that question? He intends by that to utilize a stand-pipe where necessary, to bring the water up on the stand-pipe so that it may go over the next section instead of by pumping—I believe that is what he means, but it is not very clear—and so on to the point of termination, utilizing the stand-pipe where necessary to do away with the expense of pumping.
259. *Mr. Kelly.*] Have you seen the distances between those engine pumping stations? Yes.
260. How far are they? They vary. Some are 9 miles, some 8 miles, some 6 miles.
261. What is the elevation you intend to raise the water every 8 miles; 50 feet? Yes; I think about that.
262. To carry out his idea there his tank would be how many feet in the air to send the water by gravitation;—How large a tank would he want to make that water gravitate 8 miles at an altitude of 150 feet? If you will look at the plan you will see one tower 80 feet. I think his meaning was to pump the water up to the top of the tower, and then from that tower it would gravitate for the next 10 miles. I would not have such a thing at all.
263. Would any practical man have it? No; because there is no necessity for it.
264. You think you require eight or nine 80-horse power engines? Yes. Say a 40-horse power nominal, and then you generally allow 70 per cent. or so—say 80.
265. An eighty nominal would be how many actual? That is the actual. The nominal is the power fixed by the Admiralty of 7 lb. to the square inch. From that you can make it anything you like.
266. Have you any idea how much wood they would consume, these eight or nine engines of 80-horse power? An ordinary engine will take about 4 lb. of coal per hour. The wood, I suppose, would be five times that.
267. You said something which I could not understand about taking this water up in lifts? It does not mean straight up. It is merely calling it a lift, taking it up in sections 8 or 9 miles apart. You force it up.

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268. And then, of course, that stand-pipe question comes in? The only idea of the stand-pipe was to attempt to save the cost of pumping at one station. And then you see that the flatter you have a grade the less water will go through it, and the grade is very flat. In taking a 9-inch pipe from the reservoir we will carry over 400,000 gallons an hour at the full. The grade is shown as one in ten.
269. Have you had to do with wrought-iron pipes? No; I have not. They are of comparatively recent invention. The pipes as taken to here will be tested to 700 lb. on the square inch.
270. *Chairman.*] Have you gone through the whole of this scheme? Yes.
271. You consider it a practical scheme? Yes; quite practicable.
272. A very costly one, I suppose? I do not think so. I was in Melbourne three or four years ago at the Exhibition, and a party came to me from Temora, and wished me to give a report on bringing the water from some river to Temora, 50 or 60 miles.
273. *Mr. De Courcy Browne.*] From Lake George? No; I think it was from some river. I reported upon the matter, and a report was sent in to the Minister for Mines. It was a large scheme. It was intended to carry a big flume of water. The cost would have been about £200,000.
274. You think that this scheme is practicable? Quite practicable.
275. *Mr. Marshall.*] With your knowledge of New South Wales, do you think it would be beneficial as well? It would be beneficial.
276. The cost of this construction would be considerably under £200,000? Considerably under.
277. What do you think this roughly would cost? £165,000.
278. That would cover everything? Everything.
279. That is judging every possible lavish expenditure? Fair common sense expenditure. That would include double engines.
280. Have you seen a similar water supply to this? Not exactly. It is a long supply 60 miles. The Loch Katrine scheme is only 40 miles, a gravitation scheme.
281. Is it elevated at all? Yes; it is pretty high up. The main pipes that were laid down in Edinburgh in 1824 are quite fresh yet. That length of time is rather astonishing for even a cast-iron pipe.
282. *Mr. Kelly.*] Would you imagine the cost to be reasonable? The wood is the main thing, and Mr. De Courcy Browne says there is plenty of wood there.
283. *Mr. Marshall.*] Have you any idea of the total consumption per horse-power? About 12 lb.

Harry Stockdale, Esq., recalled, and further examined:—

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284. *Chairman.*] Would the construction of this work furnish a supply of water to travelling stock? Yes; at every stage there would be mains for the watering laid down. There will be a much larger reservoir than is necessary at each stage.
285. It would be not only a benefit to Broken Hill, but to the whole of the surrounding locality? Yes. There is no water possible to be got in ordinary seasons on the road to Broken Hill. Steven's Creek is full to-day and dry to-morrow. It will be a general benefit.
286. *Mr. Kelly.*] You have been along this route yourself? I have.
287. Where the stations are proposed to be erected wood is abundant? Yes.
288. I think, if my memory serves me right, you gave evidence to the effect that you did not intend to take the water out of the Darling? On account of the quickness of getting it into Broken Hill we start from Speculation Lake; but at the same time we will pump into that from the river.
289. And you pump out of the lake at the other side? Yes.
290. And you take advantage of the flooded condition of the river to fill the lake? From the river we lift with a foot-pipe. We put in, suppose, 400,000 gallons in about six hours. We will put in a million gallons a day.
291. Do you calculate to exhaust Speculation Lake by pumping to Broken Hill? I wish to stop evaporation, and keep the water as near as I can at its present level by putting in twice the quantity we are taking out.
292. You will keep the water always in the same condition in Speculation Lake, and if Menindie Lake should not be enough you will supply Broken Hill from the Darling? The Government having blocked the place up we did not consider that we were justified in taking advantage of their work, and taking so much water out of that lake without putting something back. If we take the water from there we guarantee to put far more into it. We only pump for a mile there, because it falls in at one side of the lake and the rest is water. We can send a million and a half through every twenty-four hours.
293. In the event of a drought what would you do? In the event of a drought we have a large reservoir. At present we would not use much over 100,000 gallons. The consumption of water at Broken Hill at present is 70,000 gallons.
294. Where do you propose to get your water in the event of a dry season? We fill this reservoir without surplus water.
295. Do you take the water out of the Darling in a dry season? No; we do not use the Darling at all in a dry season. We have a reservoir capable of holding from 30,000 to 50,000 gallons of water, 5 miles from Broken Hill. It runs down by gravitation.
296. In the event of that being exhausted, where would you go for water, if Menindie Lake was low? If Menindie Lake was bad we would take from the Darling. We take from Speculation Lake greatly for quickness. It saves 15 miles.
297. Have you inquired into the question of the wholesomeness or goodness of the water? I have at that particular place.
298. Is it all alike? No; the hole in the Darling at Menindie is said to be the best in the river. The people there tell me that they never knew less than 9 feet of water in this hole, and less than a mile in length in the severest drought ever known, and that the water is perfectly good.
299. If you were pumping out of that hole would not the water from the salt holes come into it? There is a chain of holes then; when it becomes low.
300. But the river runs underneath? It might run underneath, but I think the salt is retained by the beds. The water comes through the gravel more or less pure. I know that in Cooper's Creek you can wet your feet in two holes, one salt and the other fresh.
301. You think that the water will be always fresh in Menindie water hole? It has always been so.

302. You think it would remain so even if water were pumped out? I do not think we should ever use it when the Darling was still. We will have 50,000,000 gallons held there. Our idea is Speculation Lake filled from Menindie Lake, and Menindie Lake supplied from the river at its big height.

303. *Chairman.*] With reference to the charge for water at Broken Hill. You ask in the Bill to have the right to charge for all water at a price not exceeding so much per gallon? The price has not been decided upon. The decision we came to was to supply water at less than one-third of the average price of Broken Hill water.

304. What is that now? I suppose 8s. or 9s. a hundred gallons. I think that they are bringing by train from Silverton now, and it might be £1. I think we could supply it at from 2s. to 3s. We would be very glad to take a shilling a hundred gallons in good seasons. In bad seasons it rises there to £1 a gallon. I see by the papers that they expect to pay £1 a bucketful for it.

305. You cannot fix the rate now? I had rather not. It will be less than a third of the average rate, whatever that may be.

H. Stockdale,
Esq.
13 June, 1888.

WEDNESDAY, 20 JUNE, 1888.

Present:--

MR. BRUNKER,
MR. DE COURCY BROWNE,

MR. JONES,
MR. KELLY.

J. N. BRUNKER, Esq., IN THE CHAIR.

Thomas Marshall, Esq., solicitor, appeared on behalf of the promoters of the Bill.

William Christopher Bennett, Esq., called in, sworn and examined:--

306. *Chairman.*] You are engineer for roads and bridges? Commissioner and engineer for roads and bridges, for sewerage, and for tanks and wells. I mention tanks and wells because they touch upon this matter.

307. You will notice by the Bill that it is proposed to use the waters of the Darling River, Menindie, and Speculation Lake, for the purpose of supplying Broken Hill with fresh water. Have you any knowledge of the locality? I have never been there; but I know the locality from maps, and from dealing with these tanks and wells, as well as one can know it without a personal inspection, and also from the reports of my officers.

308. Can you give us any information with regard to the present supply of water at Broken Hill? I can; it is in a very precarious state, and has been a source of considerable anxiety to me. Some three years ago, when Mr. Wright and Mr. Abbott were in office, they sent for me and gave me a very urgent charge about the water supply, both at Silverton and at Broken Hill, to make what arrangements were possible to meet the exigencies of a water famine as soon as possible. We excavated a tank at Silverton, another at a place called Rathole, another more recently at Broken Hill, and we are excavating a fourth at a place called Round Hill, near Broken Hill, calculated to be a reservoir of larger capacity than the ordinary tanks. We also partially excavated a well at Broken Hill. The tanks at Silverton and Rathole are nearly full of water, there being something like 3,000,000 gallons in each. The well at Broken Hill was abandoned by the contractor, and we have been using every effort either to let it or get men to do it by day work, and to extend it by a drive so as to increase the supply. We have at last—three or four days ago—succeeded in letting it. We have been supplying from the Broken Hill tank, and charging for the water in order to check the demand; but that tank is now, I am sorry to say, empty.

309. *Mr. De Courcy Browne.*] The one at Broken Hill? Yes. It was filled before it was quite completed by a sudden rain storm, and the officer there very properly allowed the rain to come in rather than lose it, and it has been a standby for Broken Hill until now.

310. *Chairman.*] That is dry now? Yes.

311. What did you say you are charging for the water? One shilling per hundred gallons. Seeing that we had no water to supply the people at Broken Hill, on the recommendation of our officer up there, who is a very energetic man, we made arrangements with the tramway company, and sent up pipes, and have applied to the Mines Department to get the use of the water in the Rathole tank, with a view to conveying it to Broken Hill. The work is now going on, and I see by a paragraph in the paper this morning, is approaching completion, and we will be able to supply water when we get permission from the Mines to take from the Rathole tank. But that is only a partial and temporary supply. We are dependent upon the rainfall to fill the other reservoirs. We are improving them as far as we can, so as to be ready to receive the rain when it comes.

312. *Chairman.*] What is the source of supply at the Rathole? It is a mere catchment for the rainfall. There was an objection at Broken Hill to the tank being the recipient of drainage water from the houses, but the town has spread a great deal since we made the tank. We applied to have the catchment area reserved, but we could not succeed in getting it reserved. However, we have made drains to cut off this drainage as well as we could, and the tank will be comparatively safe, but if the town spreads it will have to be abandoned.

313. Do I understand that the Rathole is the largest supply and gives the most permanent supply? The Rathole has been least drawn upon; it is not more permanent. The Broken Hill tank is exhausted, because it was drawn on all at once, notwithstanding the price.

314. What is the nature of the supply there now compared with the demand. If you had a continuance of dry weather what would be the condition? It is very precarious indeed. The Rathole tank is only something over 3,000,000 gallons, and if that is expended we cannot very well draw water from Silverton, in the face of an impending water famine. In that case we would be in a very bad way indeed. I should add that if it had not been for the knowledge that private enterprise was going to supply water in some shape or other—I do not refer to this company in particular, or to any company; I do not know how many there are—we would have taken more adequate steps to supply water.

315. The population of Broken Hill is increasing, is it not? It is increasing; but private enterprise being in the field we did not want to do anything to prevent its operation.

316. You think it would be a public benefit if a scheme of this kind could be carried out—a scheme that would supply Broken Hill with water by private enterprise? A very great benefit, and a good example. There are only one or two places where it has been done before—Hay and Deniliquin.

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317. By a good example you mean that these matters should be taken up by private enterprise instead of by the Government? Yes, not by the Government.
318. It is proposed to carry this water from the Darling to Broken Hill, which is a distance of between 68 and 70 miles. A plan showing the direction in which it is proposed to lay the pipes is before the Committee. Having seen the plan, and from what you know of the general character of the country, do you consider the scheme practicable? Well, in a mechanical sense it is not impracticable, that is all I can say about it. But I should think that in a country showing inequalities like that there must be some much easier and nearer source of supply available. It is quite a *tour de force*. I do not recollect seeing anywhere a proposal so large with reference to pumping. The only analagous proposal that I know of was the proposal to supply the British army with water on their advance to Berber, from Suakim. That was only on a small scale, of course, and a temporary thing. I think there is an objection from an engineering point of view to one part of the proposal, and that is the idea of keeping up the water in Speculation Lake by pumping. They would have to pump the whole of the evaporation over an immense area. It would be much better to lay down a separate line of pipes. I only had a cursory glance at this paper late last night, and the quantity stated here to be pumped from the Darling to Speculation Lake would be quite inadequate.
319. *Mr. Kelly.*] And the percolation? And the percolation besides. They would have to pump each year 4 or 5 feet deep over the area of the lake at least. If they cannot rely on the lake on the end of the period, they must pump through a pipe direct to their first intake from the Darling.
320. *Chairman.*] A witness was asked,—“How much water would you imagine there is in Menindie Lake. Is it possible to affect that supply by what you will take out of it” to which he replied—“No; because we guarantee to put in a far greater quantity than we take out or will be lost by evaporation. We could send 40,000 gallons into it as easily as we could send 1,000 gallons, and we only require 40,000 or 50,000 gallons a day for the supply of Broken Hill?” That may be correct enough, but I do not see any estimate there of the evaporation and absorption.
321. Except when the Darling is still, we should be pumping into Menindie Lake, and I think that would make it a permanent supply of water. I do not think that the evaporation would amount to anything like half the quantity that we should put in? The evaporation is very easily ascertained. Our experience teaches us that evaporation and absorption in that climate will amount to nearly 6 feet. Take the area of the lake, calculate the depth at 6 feet, and that is how many cubic feet you will have to pump. If you provide for that, it is alright; but I think, judging simply from guess, they will find the quantity proposed to be pumped is very far short of that.
322. That is the evaporation? Yes. Of course, they may have floods; but then there are certain seasons when the Darling does not flow for a couple of years.
323. *Mr. De Courcy Browne.*] If the lake is 13 miles long and an average of $5\frac{1}{2}$ wide, is it possible, do you think, to keep up the evaporation of such an area as that? It is a question of figures, and may be easily worked out; but I give you the depth they will have to provide for as between 5 and 6 feet.
324. *Mr. Jones.*] All over the lake? Yes, of course; that is not fatal to the scheme, because I point out that if they find they cannot do that it is simply enough to put a pipe round for the 16 miles and an engine to pump through it; but even that would be very expensive.
325. *Chairman.*] It is proposed by this scheme, I think, to have supply-pipes every 8 miles? ———
326. *Mr. De Courcy Browne.*] You have to lift the water every 8 miles higher and higher as you go? Yes; we have an illustration of that at Botany. The water is lifted 140 feet in 6 miles.
327. *Chairman.*] And what would be the output from a 9-inch pipe? That is a matter of calculation; I could not tell you now. The 30-inch pipe from Botany supplies 5,000,000 gallons a day. The great difficulty would be in supplying the intermediate engines with fuel, and the getting them on the ground would be a gigantic cost. I should say this scheme should not be resorted to unless every other means of supplying from a reservoir in the hills at Broken Hill had been exhausted.
328. *Mr. Jones.*] You think from the number of engines employed in this scheme it will be a very costly one? Yes; more than that. Unless very great care is exercised it will be very uncertain.
329. *Chairman.*] How do you mean uncertain? You may have leaks and bursts. When the great heat of the summer sun comes to play upon those pipes there will be great expansion and contraction. Unless it was provided for by india-rubber joints and appliances, which deteriorate, the contraction would tear the pipes asunder. You would not be able to bury them deep enough to put them beyond the change of temperature.
330. *Mr. De Courcy Browne.*] That plan you have looked at is simply a plan showing the levels from the Darling River to Broken Hill? Yes.
331. In the absence of a plan showing the scheme in detail, together with the report of a qualified engineer, would the Committee be able to form a correct estimate of the value of this scheme. Of course we are all laymen, none of us are professional men that I know of? Well, of course, you could form an approximate idea, but only an approximation. There is enough data there to form an approximation.
332. As to the practicability of the scheme? Yes. As I have said, the scheme is not absolutely impracticable, though I consider it so in an economic sense. In a mechanical sense it is not.
333. It purposes here to lift the water by a series of lifts every 8 miles, that is to have some seven or eight pumping stations from the river to Broken Hill. Is not such a method of raising water attended with very serious risks as to the steadiness or the permanency of the supply? Yes; I pointed out that.
334. It would be very costly also in its working? Very.
335. Liable to great risk of accidents from contraction of the pipes, and the breakage of the engines? Yes, and would require constant inspection along the pipe line.
336. Almost daily? Almost daily.
337. Hence, as an economic scheme for the supplying of a town 68 miles distant with fresh water, you do not think it comes within the realms of practicability? No.
338. *Mr. Jones.*] They propose here to use a 9-inch pipe for a certain distance, and after that a 6-inch pipe? I do not concur with that graduated proposal.
339. *Mr. De Courcy Browne.*] Is not such a proposal condemned by competent engineers on water supply? It is not used, because if you force water through a 6-inch pipe you require a more powerful engine.
340. The friction is greater? Yes; I do not know which way it is to be graduated, whether from the river to Broken Hill, or from Broken hill to the river. Near Broken Hill, where is the greatest ascent,
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the engine power required will be greater because the natural levels require a greater lift, but if a smaller pipe is used the power required will have to be greater still. Of course, there is the element of strength in a smaller pipe.

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341. It is proposed to start from Menindie with a 12-inch pipe, then after a certain distance is passed a 9-inch pipe is to be used, and then to the terminus a 6-inch pipe? I think that is a mistake.

342. It is not such as a competent engineer on water supply would propose in an economic sense? I would not like to be too positive, but in my opinion it would not.

343. *Mr. Jones.*] There is the evaporation at Broken Hill too? That is an element that would have to be encountered in every scheme. It is the very great evaporation of the lake that I see great difficulty in.

344. *Mr. Kelly.*] There are several pumping places, and it is proposed, if I understand it aright, to raise the water 100 feet up to each pumping place, from one pumping place to another. Then we would have if I understand the suggestion aright, to pump that water the whole 8 or 9 miles? Yes, between each station.

345. Then you would have that force of water? Yes. If I understand rightly, it proposes to have a stand-pipe. The stand-pipe will be at the engine house. To the top of this stand-pipe the water will be pumped, and then it will turn over and gravitate in a pipe to the other engine. That mode of action has become superseded now, and has been for many years.

346. Straight force? Direct force, as at Botany. I know that thirty-two years ago, when the Botany water supply was proposed, Mr. Ryder, the engineer who was displaced by Mr. Bell, had a scheme for a stand-pipe, had all the drawings made, and they were thrown aside by Mr. Bell, who put in air vessels. That is a very practical instance of it here. The Botany engines as now working have been a decided success, and Mr. Bell rejected the stand-pipe for the present mode of action, the air-vessel.

347. *Mr. De Courcy Browne.*] It is an obsolete idea? I think it is.

348. *Mr. Kelly.*] There is no necessity then, in your opinion, for those stand-pipes at all? No. There is only one way that they may be of use. You may be able to have the pipes a little lighter, because the throb of the engine is not in the pipe.

349. Could you obtain for us the area of water in Speculation Lake, and the actual evaporation, and probable percolation? I can give the Committee that; it is between 5 and 6 feet in depth.

350. *Chairman.*] They would require to keep up a supply of 6 feet? Say 5 feet, in order to be safe.

351. To contribute what you consider a fair supply? Yes, for twelve months.

352. *Mr. Kelly.*] Could you form any idea at all as to the cost of this scheme? No; I would not like to. I could tell you the cost of a bridge, but this is a matter I would have to go into figures about to give anything that would be of the slightest value.

353. Would very large engines and boilers be required for this work, for these various pumping stations? Yes they would be tolerably large sized engines. I would not like to say what power.

354. How heavy do you think would be the biggest boiler? I would not like to give an opinion. In the first place there are so many varieties of boilers and so many varieties of pumps.

355. It is proposed to use, if I understand Mr. Stockdale aright, a 40-horse power nominal? Of course, there is the size of the pipe to be pumped through, and the water to be delivered, and a number of elements, so that I could only give the merest guess.

356. Could you give us roughly about the weight of a capable boiler? I am dealing with a matter now for the City for some pumping engines, and I will let you know the horse-power, the quantity of water, and all the particulars of that engine and boiler, and it will give the Committee some idea.

357. You have had experience with india-rubber joints? Some.

358. When they are once tightened, in a hot climate, do you find that the pipes shrink and leak? Yes, they leak, and the india-rubber disintegrates, so that it drops to pieces.

359. When you have an extension of pipes several miles long, as in this case, the contraction is great, and the expansion is great? The contraction would be.

360. You think the joints would leak? Yes, I think so.

361. It is proposed to put down light wrought-iron pipes instead of cast-iron? Yes.

362. I think Mr. Stockdale said that his pipes would be one-eighth of an inch thick wrought-iron pipes? They would not last any time.

363. If wrought-iron pipes one-eighth of an inch thick were laid down in saline country—what we call salt-bush country—how long would they last? They would last two or three years.

364. *Mr. Marshall.*] Could you suggest any other packing for the joints besides india-rubber? There might be turned joints, but even they would soon leak.

365. If the advice is taken of competent engineers of course the promoters of the scheme could avail themselves of the latest improvements, whatever they may be? Of course.

366. If you are informed that they do not actually bind themselves to this plan, but will adopt anything that may suggest itself, do you think it is possible to couple with their scheme other things so as to carry the thing through practically and successfully—whatever engineer of sufficient knowledge may be able to suggest to carry it through practicably? I have said before that the thing is not impracticable; but I do not think that it should be tried before the means of Broken Hill are exhausted.

367. Do you know of any other scheme that would have for its object the supply of water to Broken Hill? No, I do not.

368. Do you know of any better scheme? No, because I have never investigated the matter. That is why I say "until other means are exhausted."

369. If competent engineers were employed could they suggest to the Company what other means they could use to make the scheme a perfectly sure, cheap, and practicable one? It would be a difficult thing to make it cheap. You might, of course, by getting such skill as no doubt the Company would get, make it as cheap as it was possible to make such a scheme, but I question very much whether you could make it comparatively cheap.

370. The tanks that are already constructed at Broken Hill are open, of course? Yes.

371. Any precipitation from smelting might possibly fall into the water now? Yes; from the air.

372. From fumes? Oh! yes.

373. It is proposed to construct a tank 5 miles from Broken Hill, holding a twelve months supply of water. Do you not think that modern engineers, having the fact of this precipitation in view, could keep that tank constantly full, and unaffected by the deposit from fumes, sufficient to supply the requirements of

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Broken Hill? I have not objected to the tank at Broken Hill; I object to nothing; but I point out that the means of keeping that tank full are very expensive indeed.

374. I understand you to say that you do not know of a better scheme at present? Simply because I do not know anything about the locality, but in such a broken country there must be natural facilities for reservoirs.

375. Along the line of route where it is proposed to lay these pipes, of course the layers of the pipes could defect which was saline country and which was not—Would the wrought-iron pipes be affected by country which was not saline, and could not they then lay cast-iron pipes? Yes; but the weight would be tremendous; and the water of the Darling when the river is low is saline too.

376. But it has already been given in evidence that it is only proposed to use the waters of the Darling at its highest levels, and we have also been told that the length of saline country to be passed through on this route is very short indeed? If you use the waters of the Darling at its higher levels, how do you couple that with the idea of pumping the water into Speculation Lake?

377. We intend to supply Speculation and Menindie Lakes with the waters of the Darling at its highest levels, and then to supply the water-hole at Broken Hill from the lakes? But if you pump from the Darling to supply the low-levels of the lake, then you pump saline water.

378. It has been mentioned in evidence that it is only intended to touch the waters of the Darling at flood-time? Then it will run in.

379. They can, during the highest flow of the Darling, avail themselves of flood-water to fill the lakes? Yes.

380. *Mr. Jones.*] Suppose the water is only to be pumped in in flood-time from the Darling—are the lakes of sufficient area to hold the supply? The water would flow into the lakes at flood-time.

381. And not require to be pumped? No.

382. *Mr. Kelly.*] Have you any idea of the catchment area at Botany? 7,000 acres. I know it very well, because I dealt with it for the Water Commission.

383. How much water daily has been consumed by Sydney from Botany? I made a calculation twenty-two or twenty-three years ago, a very close calculation indeed, for the Water Commission—you will find it in the Water Commission Report in the records of the House—that, using every possible means that they could to economize all the water that fell on that catchment they would be able to supply Sydney with about three and a quarter million gallons daily, and there was a singular confirmation of my estimate twenty years afterwards by the fact that the amount they were able to pump in in those times was three and a quarter millions daily. It was a singular instance of theory verified by practice.

384. Do you know anything of the rainfall of Broken Hill as compared with that of Botany? I suppose it is not more than one-third or one-fourth—one-fourth, I think—of the ordinary supply at Botany. The calculation I made was for 21 inches in sixteen months, which was the lowest record we could find. Using that as a measure of the rainfall I calculated that three and a quarter millions would be supplied, so that Broken Hill would be at least half the quantity.

385. *Chairman.*] Is not the quantity received by catchment affected by the character of the country upon which it falls? Yes. Sandy country will deliver very little indeed until it is quite saturated; but at Botany, which is sandy country, the water percolates through the sand. The sand acts as a huge reservoir.

386. Then the sand is charged altogether? Well, when it is charged the water flows away; but at Botany the sand acts as a huge reservoir for the immediate receipt, and gradual giving out of the water.

387. *Mr. Kelly.*] Going on that basis, do you think 10,000 acres a good catchment, with a reservoir impounded between two hills and a creek to catch enough water to supply 40,000 gallons a day? It is a simply proportion sum: If 7,000 acres at 21 inches will supply 3,250,000 gallons, what will 10,000 acres at 10 inches supply.

388. *Mr. Jones.*] But there is more evaporation at Broken Hill than at Botany? Yes; rather more. I have said 5 or 6 feet for evaporation at Menindie Lake; the consonant we used at Botany was 4 feet.

389. *Mr. Kelly.*] You say that 10,000 acres should supply at least 50,000 gallons? Yes; certainly much more.

390. If there were any places for impounding water there? Yes.

391. That you do not know? No. Another important thing is the character of the catchment, because the country is metalliferous, and the water may or may not be objectionable.

392. *Chairman.*] So far as the quality is concerned? Yes. No one could speak of that without positive inspection and analysis of the water.

393. *Mr. Kelly.*] Are you aware that any arrangements have been come to by the Government to use the water of Speculation Lake by anybody, is it under your department? No, it is under Mr. Moriarty's department. I know that they have put dams to prevent the water receding into the Darling, which were objected to at first, but I understand now that they are a very great success.

394. *Mr. De Courcy Browne.*] What amount of water do you use per day per head of the population—20 gallons? More than that. The unit of supply was 50 gallons, but I think 70 is now the unit.

395. So that a population of 10,000 people at Broken Hill would be entitled to about 700,000 gallons, taking it on an average at 30 or 40 gallons a day? Mr. Hannah estimated the consumption now at 25,000 gallons a day, and he is a very close calculator, very economical.

396. *Chairman.*] At Broken Hill? Yes.

397. *Mr. Kelly.*] They take from the tank there? Yes.

398. The consumption of the people of Sydney you say is about 50 gallons per head? About 50 gallons; 70 gallons are provided for.

1887.
(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

CHRISTIAN CHAPEL LANDS SALE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 *December*, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.
(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 33. FRIDAY, 25 NOVEMBER, 1887.

5. CHRISTIAN CHAPEL LANDS SALE BILL (*Formal Motion*) :—Mr. Allen moved pursuant to Notice,—
(1.) That the Christian Chapel Lands Sale Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
(2.) That such Committee consist of Mr. Melville, Mr. Teece, Mr. O'Sullivan, Mr. Waddell, Mr. Frank Farnell, Mr. Hutchison, Mr. Henson, Dr. Ross, Mr. Garrett, and the Mover.
Question put and passed.
-

VOTES No. 42. WEDNESDAY, 14 DECEMBER, 1887.

8. CHRISTIAN CHAPEL LANDS SALE BILL :—Mr. Allen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 25th November, 1887, together with a copy of the Bill, as amended and agreed to by the Committee.
Ordered to be printed.

* * * * *

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1887.

(THIRD SESSION.)

CHRISTIAN CHAPEL LANDS SALE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 25th November, 1887, the "*Christian Chapel Lands, Sale Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose * ee list, p. 4. evidence will be found appended hereto) ; and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedule of the Bill in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

ALFRED ALLEN,
Chairman.

No. 2 Committee Room,
Sydney, 13th December, 1887.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Allen, | Mr. O'Sullivan.

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

WEDNESDAY, 7 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Allen, | Mr. Henson,
Dr. Ross, | Mr. Hutchison.

Mr. Allen called to the Chair.
Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.
Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Present :—Percy M'Culloch, Esq. (*Solicitor for the Bill*).

Mr. William Charles Canvin called in, sworn, and examined.

Witness withdrew.

Mr. John Lockley called in, sworn, and examined.

Witness withdrew.

Mr. Joseph Stimson called in, sworn, and examined.

Room cleared.

Committee deliberated.

Adjourned to Tuesday next, at half-past 10 o'clock.

TUESDAY, 13 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

Mr. Henson, | Dr. Ross,
Mr. Hutchison.

Present :—Benjamin Sweetland, Esq. (*Solicitor for the Bill*).
Arthur Winbourn Stephen, Esq., called in, sworn, and examined.
Witness *produced* a Plan of the land referred to in the Schedule, and handed in an amended Schedule.

Witness withdrew.

Mr. George William Logan, called in, sworn, and examined.

Witness withdrew.

Reverend J. Franklin Floyd called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Solicitor called in and informed.

Clauses 1 to 4 read and agreed to.

Schedule read and negatived.

New Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill with an amendment to the House.

SCHEDULE OF AMENDMENTS.

Page 3, *omit* Schedule, *insert* New Schedule.

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1887.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CHRISTIAN CHAPEL LANDS SALE BILL.

WEDNESDAY, 7 DECEMBER, 1887.

Present:—

MR. ALLEN,	|	MR. HUTCHISON,
MR. HENSON,	|	DR. ROSS.

A. ALLEN, Esq., IN THE CHAIR.

Mr. Percy M'Culloch appeared on behalf of the Promoters of the Bill.

Mr. William Canvin called in, sworn, and examined:—

1. *Mr. M'Culloch.*] What are you? Clerk in Messrs. M'Culloch and Company's office.
2. Have you examined the description in the Bill of the conveyance of this land from Mr. Perry to the trustees? Yes.
3. And found it correct? Yes; it is identical.
4. Did Mr. Stephen survey the property? Yes; I instructed him to do so.
5. And he is out of town? Yes; he is in Melbourne, and will not return for a week or two.
6. Did you see his partner, Mr. Ebsworth? Yes.
7. What did he say? He told me that Mr. Stephen would not be back for another week.
8. And he himself could not give you any information? No.

Mr.
W. Canvin.
7 Dec., 1887.

Mr. John Lockley called in, sworn, and examined:—

9. *Mr. M'Culloch.*] Where do you reside? At Pyrmont at present.
10. What is your occupation? Carpenter and builder.
11. Are you the John Lockley mentioned in this conveyance of the 12th August, 1868, by which certain land in Elizabeth-street was conveyed by Jonathan Stephen Perry to you and others upon a certain trust mentioned in the deed? Yes.
12. He conveyed to yourself and others certain land in Elizabeth-street? Yes.
13. That is the land in respect of which you are now seeking to obtain an Act of Parliament? Yes.
14. The same land? Yes.
15. *Chairman.*] Has the land been lately re-surveyed? I do not know anything about that; latterly I have not been attending the church.
16. You do not know whether there has been any alteration in the area? No.
17. What is the object in asking for this Bill; what do you desire to do? I believe the church wants to dispose of the ground.
18. *Mr. M'Culloch.*] You are one of the surviving trustees? Yes.
19. *Chairman.*] You have no objection to the sale? No; I think it is in the interests of the congregation.

Mr.
J. Lockley.
7 Dec., 1887.

- Mr. J. Lockley.
7 Dec., 1887.
20. You have heard no one object to it? No; I think it is the general wish.
21. Perhaps you can tell what are the difficulties of carrying on worship at that church? The trams are a great nuisance, they interfere greatly with the meetings. Another objection is that the locality is not considered a suitable one for a church. The congregation is subjected to great annoyance from the back, people chopping wood, and making noises.
22. *Mr. McCulloch.*] Who are the surviving trustees? Matthew Wood Green, George Morrison, and myself. Mr. Wood Green is in America.
23. There is a church or chapel on the land? Yes; it has been there for nearly twenty years.
24. And it has been used for worship by the congregation? Yes.
25. And is now found inconvenient for the purpose? Yes.
26. And it is impracticable to carry out the proposed change without the sanction of Parliament to the sale of the land? Yes.
27. *Mr. Henson.*] The cost of the present building was defrayed by subscriptions, was it not? Yes; by the subscriptions of members.
28. *Chairman.*] And of the public? No; they never asked the public to contribute.
29. Where is Mr. Morrison? I could not say; I have not seen him for some time.
30. Is Mr. Morrison agreeable to the passing of this Bill? I think so.
31. *Dr. Ross.*] We ought to have Mr. Morrison here. We certainly ought to have a majority of the trustees; you are only one of the trustees? Mr. Green, I believe, wrote a letter to the effect that he would be agreeable to the sale of the land.
32. There are two trustees dead? Yes.
33. Since they died has any application been made to the Supreme Court to get substitutes appointed? I believe not. I have never heard of any such application.
34. Has the Bill been submitted to the congregation to receive their approval? Yes.
35. And they approved of it? Yes.
36. What value do you put on the land? I can scarcely say.
37. Approximately? I think from £30 to £40 a foot.
38. What is the area? It has 32 feet or 34 feet frontage.
39. Will it sell well? I believe so.
40. *Chairman.*] According to your estimate then the land would be worth about £1,200? Yes; exclusive of the buildings. I should think the value of the land and of the building would be £1,800 or £2,000.
41. Is the congregation a very large one? I think the average attendance is 150 or 200.
42. *Mr. Henson.*] How long is it since you held a meeting of the trustees? I should think it must be nearly fifteen years. There is no necessity for any meeting.
43. *Chairman.*] You would be consulted if anything had to be done? Yes. On one or two occasions the church and the trustees were called together to take steps with regard to the borrowing of money.
44. *Dr. Ross.*] Is there any debt on the building now? I could not say; I believe there is not.

Joseph Stimson, Esq., called in, sworn, and examined:—

- J. Stimson, Esq.
7 Dec., 1887.
45. *Mr. McCulloch.*] Do you know this property in Elizabeth-street? Yes.
46. In what capacity are you here? I am here as one of a committee appointed some two or three years ago to try and get this Bill passed.
47. A meeting of the congregation? Yes.
48. *Chairman.*] Was that meeting unanimous? Yes.
49. *Mr. McCulloch.*] In what way is that chapel inconvenient for the congregation? The chief reason at that time for the desire to get this Bill passed was that the trams caused great annoyance. No lecturer could deliver a lecture in the chapel without the thread of his discourse being broken many times. The fact of there being an incline in the road made the inconvenience ten times worse, because of the amount of puffing of the engines which it caused.
50. The whole of the congregation unanimously desired this Bill to be passed? Yes.
51. You have never heard any complaints or objection whatever? No.
52. And there has been no protest? One person refused to sign the paper, but he said that as the majority were in favour of the proposed sale he would not object to it in any shape or form.
53. *Mr. Henson.*] Was he a member of the congregation? Yes; he attends the church regularly now, and he offers no opposition to the passing of the Bill.
54. *Mr. McCulloch.*] You know that the congregation is desirous that the land should be sold, and the money used to buy another site? Yes; they wish us to have the power to do so if we see a suitable site.
55. Where is Mr. Morrison? He is in Redfern.
56. Has he any objection to attend this Committee? He was the one who would not sign the paper; but he does not object to the Bill.
57. Will he have any objection to give evidence, and state that he does not object to the Bill? Not that I know of. I have had no communication with him.
58. And Mr. Green? We have a letter from him.
59. Have you that letter with you? I think it is in your hands. Mr. Green passed through Sydney lately on his way to America, and he said we ought to have been out of that chapel long ago, as there is such a bad neighbourhood at the back. Sometimes stones come through the window whilst preaching is going on.
60. What is the purport of the letter that you received? That Mr. Green had no objection whatever to the proposal to sell the land, but was very pleased to think that we were taking such a move.
61. What was that move? To get power to sell the land and build a place of worship elsewhere. He said it was a pity that the deeds were ever made out where they were.
62. *Chairman.*] Mr. Green was one of the original promoters there, I believe? Yes.
63. Was it through his instrumentality that the chapel was built? Yes; it was while he was preaching.
64. And when the chapel was built there were no trams there? No. I was worshipping there four or five years before the trams were made; and the trams have made a great difference.
65. *Mr. Henson.*] Did Mr. Green intimate that he had no objection to your buying a suitable site? Yes; and not only that, if we were anywhere near he would make it his business to come and assist us if necessary.

Rev. John Franklin Floyd called in, sworn, and examined :—

Rev.
J. F. Floyd.
13 Dec., 1887.

98. *Chairman.*] You are the minister of this chapel? Yes.
 99. How long have you been minister of this congregation? This is my ninth month.
 100. Are the congregation anxious to have this Bill passed, empowering the trustees to sell this property and purchase another site? Yes.
 101. You are acquainted with this Bill? I know nothing of the Bill. I have never read it.
 102. Have you heard anyone dissent from the proposal to sell the ground? As far as I know, the congregation are unanimous. They were to have seen one of the trustees last night, and I learn this morning that they have seen him, and that he has given his written consent.
 103. Do you know Mr. Morrison? Not personally; only as one who attends at the services.
 104. You do not know whether that is his signature? I could not say.
 105. Have you received a letter from another trustee, Mr. M. W. Green? Yes; I have been requested to lay before the Committee the following letter:—

Mr. Charles Woollams.

Dunedin, 12 December, 1887.

Dear brother,

Kindly pardon my delay in answering your letter. In accordance with your request, I hereby resign my position as a trustee of the Christian Church building, in Elizabeth-street, Sydney.

As I and Mr. Perry are the only two who are really fully aware of all the circumstances in the case, and Mr. Perry, I daresay, will not remember them so well as myself, I have wondered whether you could really get an Act passed without my coming over to give evidence before a Parliamentary Committee. If such should be necessary I would try and arrange to come, although it would be better if you can arrange without having to go to such an expense. I sincerely hope you may be successful.

I hope the church is prospering. I shall always feel warmly to the church in Sydney as the scene of my early struggles. My earnest desire for you is that you may faithfully uphold the principles for which we contend, and be greatly blessed and honoured in all your efforts. With kindest Christian regards to all the brethren and sisters,

I am, dear brother,

Yours very sincerely,

M. W. GREEN.

106. Do you know Mr. Green? Yes.
 107. Do you know his handwriting? I have not seen much of his handwriting, but from what I have seen I should take this letter to be in his handwriting.
 108. You are anxious to have the Bill passed? Oh yes; I think it is almost a matter of life and death with us. The disturbances which take place during the services of the congregation are something fearful. You cannot realise it unless you are there. Our Sunday-school is so much disturbed that we have to shout at the top of our voices, and then people cannot hear at a distance.
 109. *Mr. Hutchison.*] Is it dispersing the congregation? I think so. The situation is a very unfavourable one.
 110. You have not taken any part in reference to this movement for the sale of the land? No; I have taken no action, except in a general way, the matter being in other hands.
 111. *Dr. Ross.*] Has there been any meeting of the congregation respecting the sale? I believe that meetings off and on have been going on for a number of years; but those meetings occurred before my time.
 112. Have they agreed to the sale of the land? I have not heard a dissenting voice on the subject. There can be none, as far as I know, unless it is that of Mr. Morrison.
 113. What do you value the site at? I could not estimate the value of it.
 114. Have you heard the congregation mention any value? No; I have not.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

CHURCH AND PERKINS STREETS
(NEWCASTLE) BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
18th October, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.
(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 10. TUESDAY, 11 OCTOBER, 1887.

20. CHURCH AND PERKINS STREETS (NEWCASTLE) BILL:—Mr. Fletcher moved, pursuant to Notice,—
(1.) That the Church and Perkins Streets (Newcastle) Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
(2.) That such Committee consist of Mr. Brunner, Mr. Melville, Mr. Gale, Mr. Creer, Mr. Hassall, Mr. Ellis, Mr. Dowel, Mr. O'Sullivan, Mr. Henry Clarke, and the Mover.
Question put and passed.
-

VOTES No. 13. TUESDAY, 18 OCTOBER, 1887.

9. CHURCH AND PERKINS STREETS (NEWCASTLE) BILL:—Mr. Fletcher, 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 consideration and Report this Bill was referred on 11th October, 1887, together with Appendix, and a copy of the Bill as agreed to by the Committee.
Ordered to be printed.

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1887.

(THIRD SESSION.)

CHURCH AND PERKINS STREETS (NEWCASTLE) BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 11th October, 1887, the "*Church and Perkins Streets (Newcastle) Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose * See list, p. 4. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

JAMES FLETCHER,
Chairman.

No. 3 Committee Room,
Sydney, 18th October, 1887.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

CHURCH AND PERKINS STREETS (NEWCASTLE) BILL.

TUESDAY, 18 OCTOBER, 1887.

Present:—

MR. FLETCHER, MR. O'SULLIVAN, MR. HASSALL,

J. FLETCHER, Esq., IN THE CHAIR.

E. Broad, Esq., appeared as Solicitor for the Bill.

George William Webb, Esq., called in, sworn, and examined:—

1. *Mr. Broad.*] You are the Mayor of the city of Newcastle? Yes.
2. Have you read the preamble of this Bill? I have.
3. What is the object of passing the Bill? To give us power to make a high and low level for Church and Perkins Streets, to make them trafficable.
4. Are the present gradients too steep? Yes; the gradient is 1 in $5\frac{1}{2}$.
5. Some proceedings were taken in the Supreme Court some years ago against the Borough to stop them doing this very thing? Yes.
6. You have read the Appendix A to the evidence of Joseph Creer on a former Bill? Yes. [*Appendix A.*]
7. Have the Council received any protest against the present Bill? None whatever.
8. *Chairman.*] Is it a fact that in the absence of this work it is impossible for vehicular traffic to go in that direction? It is utterly impossible.
9. As Mayor of the city do you think that it would be an advantage to the citizens generally to have this work done? I do.
10. *Mr. Hassall.*] Will the work do any injury to any person? It will do no injury to any one; it will improve property in that direction.

G. W. Webb,
Esq.
18 Oct., 1887.

Edward Scott Holland, Esq., called in, sworn, and examined:—

11. *Mr. Broad.*] You are Town Clerk of the city of Newcastle? Yes.
12. How long have you held that office? Eleven years.
13. Have you read the preamble of the Bill before the Committee? I have.
14. Are you of opinion that the work is desirable in the mode contemplated by the Bill? I am.
15. And that it will be beneficial to the inhabitants generally? Yes.
16. Have you a plan showing the streets in their present state, and what it is proposed to do? Yes. [*Plan produced.*] For a distance of about 50 feet it is proposed to have a high and low level at the intersection of Church and Perkins Streets.
17. What is the present gradient? 1 in $5\frac{1}{2}$.

E. S. Holland,
Esq.
18 Oct., 1887.

- E. S. Holland,
Esq.
18 Oct., 1887.
18. What will be the effect if the proposed alteration is carried out; will it be safer? It will be perfectly safe for traffic because there will be retaining walls on both sides of Perkins-street.
19. What is the present mode of getting from Perkins-street to Church-street? By a number of rugged steps; that is the only way.
20. If the proposed alteration be made there will be proper access? The access will be very easy both for vehicular and foot traffic.
21. What will be the width of Perkins-street if the alteration be made? Between the retaining walls 25 feet.
22. What will be the width of Church-street? It will be lessened by 30 feet.
23. What is its present width? 66 feet.
24. What is the provision for footpath? 6 feet.
25. Will the proposed alteration affect the owners of private property? Not at all; it will improve the property.
26. *Chairman.*] You remember an action being brought against the Council some years ago applying for an injunction? Yes.
27. Do you remember what advice the Judges then gave the Council? They advised the Council to seek Legislative authority to do the work.
28. Is it known to the citizens that the Council are seeking such power as is contemplated by this Bill? It is.
29. Have you had any objections to it? None whatever.
30. When the Bill was previously before Parliament were there any objections to it? There were not in the early stages, but there were at the last when it came on for the third reading.
31. What were those objections? Because the Council sought for power to construct high and low levels in a good many streets.
32. This Bill simply proposes to deal with the intersection of Church and Perkins Streets? That is all.
33. You seek no extended power to deal with any other streets? No.

APPENDIX.

[To the Evidence of George William Webb, 18th October, 1887.]

A.

October 4th, 1869.

THE Mayor also reported that the recent appeal to the Full Court to reverse the order for an injunction made by His Honor Judge Hargraves to restrain the Council from continuing the works in King and Wolfe Streets on the present plan was argued before the Supreme Court on the 13th, 14th, 15th, and 16th ultimo, and was, with expression of deep regret on the part of the Judges, dismissed with costs, His Honor the Chief Justice stating most emphatically that, from his own personal knowledge of the locality, and from the information derived from a careful consideration of the affidavits and plans filed on both sides, he had no doubt whatever the Council had pursued the very best course that could have been adopted in the interest of the public, and for the residents in King and Wolfe Streets in particular; and that no plans appeared so good as that of the Council, and advised that the Council should apply to Parliament for authority to construct the streets according to the present design. Judge Faucett fully concurred in the Chief Justice's opinion, and considered that, taking into consideration the extraordinary difficulties the Council had to overcome, they had pursued the best course for the general interests of the ratepayers; and in granting the injunction His Honor Judge Hargraves gave expression to his opinion that the Council had done what they believed to be the very best for the interests of the public, but in his opinion the common law gave them no power or authority to act in the manner they were doing.

The Mayor further stated that also, as the relators had also applied to the Court for an order against the Council to compel it to remove the present wall at the intersection of King and Wolfe Streets, but which had not yet been granted, he should strongly recommend the Council to resist no further, but cheerfully comply with any such order when served upon the Council.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHURCH OF ENGLAND PROPERTY BILL.

(PETITION FROM CAPTAIN F. R. L. ROSSI, OF GOULBURN, PRAYING TO BE HEARD AT BAR OF HOUSE OR BEFORE SELECT COMMITTEE ON.)

Received by the Legislative Assembly, 21 June, 1888.

To the Honorable the Members of the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of Captain Francis Robert Lewis Rossi, of Rossville, Goulburn, in the Colony of New South Wales,—

HUMBLY SHOWETH :—

1. That your Petitioner is an opponent of the Private Bill now before your Honorable House intituled "Church of England Property Bill."

2. That your Petitioner is a Trustee in whom is vested by the Crown for the benefit of a large body of parishioners the Church of Saint Saviour's, Goulburn, and all the lands thereto annexed, which by the terms of the said proposed Private Bill will be subject to be mortgaged or sold irrespective of Petitioner's concurrence or consent.

3. That the necessity or advisability of such a radical and unprecedented change in the method of dealing with Church property as the total ignoring of Trustees (unheard of and unknown in secular instances), is in excess of the setting forth of the preamble of the Bill, and that such Bill if allowed will work most injuriously unless the consent of the Trustees be in all cases required, or the provisions of the Bill made inapplicable to Crown grants.

That your Petitioner therefore prays that your Honorable House will cause inquiry to be made in the premises with a view to the rejection or amendment of the said Bill, and that your Petitioner may be heard in opposition to the Bill, either before the bar of your Honorable House or its Select Committee.

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

Rossville, Goulburn, 20th June, 1888.

F. R. L. ROSSI,
Captain.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH OF ENGLAND PROPERTY BILL.

(PETITION FROM DANIEL P. M. HULBERT, M.A., AGAINST.)

Received by the Legislative Assembly, 3 July, 1888.

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

The Petition of the undersigned Master of Arts, Student of Laws, and Member of the Senate of Cambridge University,—

MOST HUMBLY SHOWETH:—

1. That your Petitioner has seen with much grief another "Private Bill" presented to your Honorable Chamber, which if allowed to pass would not only subvert the public policy of the State but destroy the conservative character of sundry existing statutes in New South Wales.

2. That the said Private Bill asserts in its preamble a palpable error; for your Petitioner would respectfully remind your Honorable Assembly that their lordships of Her Majesty's Privy Council upon two several occasions gave unanimous decisions in favour of the appellants against the Metropolitan Prelate of Cape Town in Southern Africa, whereby Rev. Mr. Long on the one part, and the Bishop of Natal on the other part, vanquished Primate Gray, the last named respondent being also condemned in costs to more than £4,000 for his temerarious autocracy.

3. That the learned Law Lords assigned as their reason for so deciding, that Her Majesty had no right whatever to issue "Letters Patent" for formation of Bishoprics or Ecclesiastical Districts, contrary to the statutes existing in any Colonial Dependency, possessed of an independent Legislature, and that therefore any such documents produced by Primate Gray, or other similar Prelate so circumstanced, were simply valueless and void in law, and that English Colonial Churches thereby "were in no worse position, or any better position," by being thus placed on an equal footing with any other religious incorporations.

4. Furthermore, your Petitioner humbly solicits your Honorable House to remember that the only "parishes" legally constituted by statutes are those which were created and duly surveyed and mapped in the offices of Her Majesty's Surveyor-General, and that "no Prince or Prelate, State or Potentate," within New South Wales ought to disregard those lawful "parishes" or treat them as if of no legal value whatever for ecclesiastical subdivisions.

5. That it is of gravest consequence not to permit this "Private Bill" relating to English Church Estates, wherein frequent mention of the words "parish and diocese" is contained, there being no church and state within this vast territory, or any superiority of one religious incorporation over another, nor is it sanctioned even by Governor Sir Richard Bourke's "Act of Parliament."

6. That clauses, Nos. 3 and 4 manifestly point out retrospectively a design and latent intention to make legal sundry lawless actions, which have been wantonly and furtively consummated, and that, inasmuch as only in March recently, your Honorable House rejected a smaller measure of intended spoliation from the Crown, your Petitioner begs that similar condemnation of this larger attempt at wrong-doing will be as cordially dealt with by you.

7. That by existing statutes, all moneys accumulated by reason of non-payment to your Petitioner of statutable allowances due to him, either are, or ought to be in Her Majesty's Colonial Treasury to the credit of Trustees appointed by the Crown; but by the "Private Bill" in question, all control over such or other accumulated funds, would be handed over to individual "Bishops," and their own receipts, or those of some deputies, are to be accounted a due and sufficient discharge for "all sales, mortgages, or leases of lands or buildings thereon," contrary to the plain and peremptory precepts of the statutes *in esse*.

8. That by reason of the scandalous injuries wrought by many prelates in England and Wales, by fines for renewals of leases of divers kinds, the Crown nominated and appointed a Board of Ecclesiastical Commissioners, only three or four of whom were or are clergymen, whereby not any English Bishops now have power to lease church lands or buildings of any kind, consecrated or unconsecrated, and at no period of ecclesiastical history in England had any one of the Episcopal Bench power to alienate or sell any real estate or mortgage even half an acre thereof as "security for loans" for erecting any buildings or any other transitory objects of spiritual persons.

9. That no sort of "Incumbent," whether of the Episcopate or Presbyterate hath, by Ecclesiastical Laws of England, any right whatever to deprive his successors of beneficiary interests in lands, churches,

or cemeteries, or of any fees and lawful emoluments appertaining to the occupancy and use thereof; and that to pull down and destroy and sell the bulk of the materials of any building erected almost entirely at the public costs, and out of the annual revenues of the Crown in New South Wales, as was lawlessly done by the Commissary Sowerby, was not only grievously injurious to your Petitioner, but a public contempt of the Queen's "supremacy over all persons ecclesiastical and civil" in New South Wales; he, the said Commissary, having had no "Act of Parliament" to authorize such removal.

10. That therefore your Petitioner respectfully solicits your Honorable House on no account to sanction "the absolute powers of sale or mortgage" of any ecclesiastical lands in New South Wales, since it is, and was, manifestly the intention and design of the Crown to re-enter upon and utilize for other "State purposes," any "forty or more acres," designated "glebe lands," or what not besides, whenever circumstances might arise to justify such policy; even as was done by the resumption of the 400,000 acres of "church and school lands," whereby your Petitioner was painfully deprived and mulcted after having been allotted by the Crown £50 a year for eighteen years, by authority also of the Legislature; his name having been produced to your Honorable House as one of the beneficiaries entitled to such allowance of £50 per annum out of those revoked estates.

11. That by section 21 of 8 William IV, the Crown commanded that whensoever any such devoted lands by improvements yielded more than £150 per annum for one officiating minister, then that—"The clergyman who was next licensed to officiate in the church or chapel, the first clergyman consenting as aforesaid, and after so securing the £150 aforesaid to the first clergyman, shall be paid a yearly stipend of £100 sterling, such second officiating minister being in the same township or ecclesiastical district." Your Petitioner was so appointed by the Governor Denison "by and with the active consent of the Rev. Wm. Sowerby, the first clergyman"; all the outlying adult persons pertaining to Commissary Cartwright and William Sowerby signing, and duly accepting his own ministrations, whereof the records in attestation exist in Her Majesty's Registrar-General's and the Auditor-General's offices, and other documents, and yet not £1 of the surplus income, "beyond the £150 per annum," was ever paid duly to himself.

12. Once more, by 20 Victoria, No. 4, 14th December, 1857, two years after the arrival of your Petitioner in Goulburn district, the Crown and the two Houses of Parliament thus decreed in clauses 5 and 6:—"It shall not be lawful for any trustees of church lands in New South Wales, either directly or indirectly, by any contract or warrant of attorney to encumber or borrow money thereon, or in any other way to charge the estates as a security for any loan whatever."

Your Petitioner consequently most humbly prays your Honorable Assembly to take all the above premises into your serious consideration, that you may perceive it is not without just cause and very righteous indignation he protests against the passing of any such "Private Bill"; and that you therefore will maintain and uphold the existing statutes in their integrity, in order that Her Majesty and her successors may retain authority over these "church lands."

And your Petitioner will ever pray.

23rd June, 1888.

DANIEL P. M. HULBERT,
MANLY, *pro* GOULBURN.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

COOMA CHURCH OF ENGLAND LANDS SALE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
27 *June*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 106. THURSDAY, 21 JUNE, 1888.

5. COOMA CHURCH OF ENGLAND LANDS SALE BILL (*Formal Motion*):—Mr. Day moved, pursuant to Notice,—

(1.) That the Cooma Church of England Lands Sale Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.

(2.) That such Committee consist of Mr. Garrett, Mr. Barbour, Mr. Hugh Taylor, Mr. Moore, Mr. Hutchison, Mr. Stevenson, Mr. Ewing, Mr. Colls, Mr. Garrard, and the Mover.

Question put and passed.

VOTES NO. 108. WEDNESDAY, 27 JUNE, 1888.

11. COOMA CHURCH OF ENGLAND LANDS SALE BILL:—Mr. Day, 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 consideration and report this Bill was referred on 21st June, 1888, together with a copy of the Bill as amended and agreed to by the Committee.
Ordered to be printed.

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1887-8.

COOMA CHURCH OF ENGLAND LANDS SALE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 21st June, 1888, the "*Cooma Church of England Lands Sale Bill*," beg to report to your Honorable House :—

That they have examined the witnesses named in the margin* (whose evidence will be found appended hereto), and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the clauses and schedules of the Bill in which it was deemed necessary to make an amendment.

* Henry Dawson
Esq., M.P.
Robert Dawson
Esq.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

GEORGE DAY,
Chairman.

*No. 3 Committee Room,
Sydney, 27 June, 1888.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 27 JUNE, 1888.

MEMBERS PRESENT :—

Mr. Day,	|	Mr. Colls,
Mr. Stevenson,	|	Mr. Barbour,
Mr. Hutchison.		

Mr. Day called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.

Printed copies of the Bill, together with original Petition, to introduce the same before the Committee.

Henry Dawson, Esq., M.P., called in, sworn, and examined.

Witness *produced* copy of Crown grant, and original Crown grant for the portions of land referred to in the Preamble.

Witness withdrew.

Robert Dawson, Esq., called in, sworn, and examined.

Room cleared.

Committee deliberated.

Preamble considered.

Question,—“That this Preamble stand part of the Bill”—put and passed.

Clauses 1 and 2 read, and *agreed* to.

Schedules read, and *agreed* to.

* New clause to stand clause 3, read and *agreed* to.

Title read, and *agreed* to.

Chairman to report the Bill with an amendment to the House.

*See Schedule of Amendment.

SCHEDULE OF AMENDMENT.

Page 2. *After* clause 2 *insert* following new clause :—

“(3.) This Act may be cited as ‘The Cooma Church of England Lands Sale Act of 1888.’”

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

COOMA CHURCH OF ENGLAND LANDS SALE BILL.

WEDNESDAY, 27 JUNE, 1888.

Present:—

MR. DAY,		MR. COLLS,
MR. BARBOUR,	|	MR. HUTCHISON,
		MR. STEVENSON.

GEORGE DAY, Esq., IN THE CHAIR:

Henry Dawson, Esq., M.P., called in, sworn, and examined:—

1. *Chairman.*] What are you? I am a solicitor, and a member of the Assembly.
2. You are a member of the electorate of Monaro? Yes.
3. You are aware of the object of this Bill? Yes.
4. Do you know anything about the land? I have known it all my life.
5. Have you any recollection of the time when it was purchased? No.
6. How far is it situated from the present Cooma Church? One portion of the land referred to, which is the 37 acre block mentioned in the second schedule of the Bill, is about $3\frac{1}{2}$ miles from the church, and about 3 miles from the parsonage.
7. Then, from your knowledge of the land, it is perfectly useless for church purposes situated as it is? Yes.
8. The object of the trustees is to dispose of the land and apply the proceeds for the purpose of paying off the debt on the present church? Yes, and to apply the proceeds to other church purposes. There is a small debt on the parsonage.
9. The money is to be applied to church purposes? Yes.
10. I suppose the trustee can make no use of the land? No, he can get no rent for it. I produce the plans. I may say that the land is not within the town boundary of Cooma. The parsonage is in Murray-street.
11. Are you aware whether all the proper notices in accordance with the law have been given, and proper advertisements put in all the papers? Yes, that has been done.
12. Have you received notice of any objections to the sale? None whatever; the whole of the congregation interested are in favour of it.
13. If there had been any objection to the sale you would have heard of it? Yes. It has been advertised both locally and otherwise.
14. *Mr. Stevenson.*] I believe there is only one surviving trustee? Yes, only one.
15. *Mr. Colls.*] Have you a glebe connected with the church? No. This land was bought in 1858. Cooma was then a very small place. It was intended for a glebe, and it was bought with church means. The town of Cooma went north instead of going south. They have built another church and formed a new burial ground, and this land is of no use whatever.

H. Dawson
Esq., M.P.

27 June, 1888

Robert Dawson, Esq., called in, sworn, and examined:—

- R. Dawson,
Esq.
27 June, 1888.
16. *Chairman.*] You have lived at Cooma for a number of years, I believe? Yes; I lived there before it was proclaimed a township at all, and I have been there forty-nine years.
 17. You were police magistrate at Cooma? Yes; up to thirteen months ago, when I retired.
 18. How long were you police magistrate at Cooma? Thirty years.
 19. And you became one of the trustees of this portion of land? Yes; myself, the Commissioner of Crown Lands, Mr. John Lambie, and Mr. Francis Smith, were the trustees, but they are both dead.
 20. And you are the sole surviving trustee? Yes.
 21. Do you remember when the land was purchased? According to the deeds, which are here, it was purchased on the 21st June, 1858.
 22. *Mr. Barbour.*] And what is the date of the Crown grant? 29th December, 1858.
 23. *Chairman.*] Then this land was purchased from the Government with private money? Mr. Druitt purchased the land himself and paid for it, because he wanted a piece of land to run a horse on. There are 37 acres. He also purchased with his own money a piece of land for a glebe, to run his cows on. Since then the parsonage has been moved into Cooma, and the land is perfectly useless.
 24. Then he bought the land, and it was conveyed to you, John Lambie, and Francis Smith, in trust for church purposes? Yes. There are two pieces, one of 37 acres and the other of 14 acres.
 25. Have you any recollection when the old Church of England was built? As near as I can say, about the year 1842.
 26. It was anticipated then that the town would go in that direction? Yes. When they selected that land there was a township laid out, but there was only a hut or two on it. The site was thought a nice one, the scenery being pretty. The township went in another direction, 2 miles away, and the place was left with the church standing, and no other building near it.
 27. And it was found difficult to use it for church purposes, so it was abandoned altogether? Yes; no services have been held there for years.
 28. And it was found necessary to build another church 2 miles further down the creek? Yes. They have built a good church in the town.
 29. Do you find it necessary now, on account of not being able to make anything out of the land, to ask Parliament to enable you to sell it, and use the money for church purposes in the town? Yes.
 30. Is there a church debt? There is a debt due on the parsonage.
 31. And your object is to sell the land and devote the money towards defraying the debt on that church? Yes.
 32. *Mr. Hutchison.*] Is the church finished? No; there is a tower to erect. The church has been built thirteen or fourteen years, but we never had the money to finish it.
 33. *Chairman.*] The proceeds of the sale of the land are to be devoted to paying off the existing debt of the church, and to other church purposes? Yes.
 34. What are the other church purposes? The parsonage house.
 35. But every shilling is to be devoted to church purposes? It is all for church purposes. We have £500 in the Bank at interest, which is intended for the erection of the tower, which will cost £1,000.
 36. What do you mean by other church purposes—do you mean to pay off the debt on the present church? There is no debt at present, except that we are in want of a further sum towards the erection of the tower. When the land is sold we may have enough to complete the whole thing. We may also have to put a new roof on the church.
 37. *Mr. Colls.*] Can you form any idea what amount the land will realize? I have no idea; I suppose about £2 an acre—altogether a little over £100.
 38. *Chairman.*] You have already had a Bill passed? Yes, and these lands were omitted.
 39. If it had not been for some mistake, the land would have been included in the Bill? Yes, and that would have saved us all this expense.
 40. Do you remember how long it is since that Bill was passed? About two years.
 41. I suppose you have taken all the necessary steps to get the matter advertised in the papers? Yes, I believe that has been done.
 42. You are still residing in Cooma? Yes.
 43. Have you heard any objection to the sale of the land? Not the slightest.
 44. Have you conferred with the Archdeacon? Yes; it is his wish that the land should be sold.
 45. And you have heard of no objection from anyone? Not a single objection.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

GOULBURN AND TUENA TRAMWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
19 *June*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 100. THURSDAY, 7 JUNE, 1888.

- [8. GOULBURN AND TUENA TRAMWAY BILL (*Formal Motion*) :—Mr. Stevenson moved, pursuant to Notice,—
- (1.) That the Goulburn and Tuena Tramway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Sutherland, Mr. Teece, Mr. Colls, Mr. Ball, Mr. Jeanneret, Mr. Day, Mr. Holborow, Mr. Frank Farnell, Mr. Barbour, and the Mover.
- Question put and passed.
-

VOTES No. 104. TUESDAY, 19 JUNE, 1888.

3. GOULBURN AND TUENA TRAMWAY BILL :—Mr. Stevenson, 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 consideration and report this Bill was referred on 7th June, 1888, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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GOULBURN AND TUENA TRAMWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 7th June, 1888,—the “*Goulburn and Tuena Tramway Bill*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose See List, page 4 evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

R. STEVENSON,
Chairman.

No. 3 Committee Room,
Sydney, 19th June, 1888.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 13 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Stevenson,	Mr. Holborow,
Mr. Jeanneret,	Mr. Ball,
Mr. Teece,	Mr. Colls.

Mr. Stevenson called to the Chair.

Entry from Votes and Proceedings appointing the Committee *read* by the Clerk.Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.Present:—G. E. Russell Jones, Esq. (*Solicitor for the Bill*); J. G. Griffin, Esq. (*one of the Promoters*).

G. E. Russell Jones, Esq., sworn and examined.

J. G. Griffin, Esq., sworn and examined.

Room cleared.

Committee deliberated.

Ordered,—That C. A. Goodchap, Esq., Commissioner for Railways, be summoned to give evidence next meeting.[Adjourned to to-morrow, at *half-past Eleven* o'clock.]

THURSDAY, 14 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Stevenson in the Chair.

Mr. Teece,	Mr. Ball,
Mr. Barbour,	Mr. Colls,
Mr. Holborow,	Mr. Jeanneret,

Mr. Day.

Present:—G. E. Russell Jones, Esq. (*Solicitor for the Bill*).

A. A. Gallagher, Esq., called in, sworn, and examined.

Witness withdrew.

W. A. Harper, Esq., called in, sworn, and examined.

Witness *produced* plans of proposed tramway route—Goulburn to Tuena.

Witness withdrew.

C. A. Goodchap, Esq. (*Commissioner for Railways*), called in, sworn, and examined.

Room cleared.

Committee deliberated.

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

TUESDAY, 19 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Stevenson in the Chair.

Mr. Day,	Mr. Teece,
Mr. Frank Farnell.	

Committee deliberated.

Preamble considered, and Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clause 1 read, *amended*,* and *agreed* to.Clause 2 read and *agreed* to.Clause 3 read, *amended*,* and *agreed* to.Clause 4 read and *agreed* to.Clause 5 read, *amended*,* and *agreed* to.Clauses 6 to 32 read and *agreed* to.Clause 33 read and *negatived*.*Clauses 34 to 56 read and *agreed* to.New clauses* to stand 33 and 34 read and *agreed* to.Schedule read and *agreed* toTitle read and *agreed* to.

Chairman to report the Bill, with amendments, to the House.

* See Schedule of Amendments.

SCHEDULE OF AMENDMENTS.

- Page 2, clause 1. *Add* to clause " And provided that in the event of the Government of the said Colony commencing the construction of a railway or tramway within two years from the passing of this Act, along the proposed route of the said tramway between the townships of Goulburn and Crookwell, then and in such case the rights, powers, and authorities of the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, or assigns, in respect of the construction of the said tramway over such portion of the proposed route between Goulburn and Crookwell, shall wholly cease and determine, but otherwise shall remain in full force and virtue"
- Page 2, clause 3, line 32. *Omit* " three" *insert* " four"
- " 2, " 3, " 32. *Omit* " six" *insert* " eight and a half"
- " 2, " 5, " 57. *After* " goods" *insert* " Miscellaneous class, namely, agricultural produce, ores, minerals, coke, coal, firewood, mining-props, sand, timber, not exceeding twopence per ton per mile"
- " 3, " 5, " 7. *After* " Tramway" *insert* " and that no extra charge beyond the maximum charge per ton per mile for all classes of goods shall be made for terminals
- (iv) " The description of goods to be fixed under the classes first, second, third, and fourth to be in all respects similar to those enumerated or described in the classification of goods established by the Commissioners for Railways under the ' Government Railways Act of 1888' "

Page 13. *Insert* following new clause :—

33. " The Commissioners for Railways shall at all times hereafter, upon twelve hours' notice in writing to the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, and assigns, have the right to run such locomotives, carriages, and trucks, whether loaded or unloaded, on and along the said tramway, and for such period or periods, or at such time or times, as the said Commissioners for Railways shall in the said notice specify. Provided always that the said Commissioners for Railways shall pay to the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, or assigns, such rates or tolls for the exercise of such rights, as aforesaid, as the Governor, with the advice of the Executive Council, shall from time to time determine."

Running powers to the Commissioners for Railways.

Page 13, clause 33. *Omit* clause.

" 13. *Insert* following new clause :—

34. " It shall be lawful for the Secretary for Public Works, on behalf of the Government, at any time by notice in writing, to require the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, or assigns, to sell, and thereupon the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, or assigns, shall sell to the Government, as the case may be, the said tramway, upon the terms of paying the then value (exclusive of any allowance for past or future profits of the said tramway, or any compensation for compulsory sale or other consideration whatsoever) of the said tramway and all lands, buildings, works, materials, and plant of the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, or assigns, suitable to and used by them for the purposes of the said tramway, such value in case of difference to be ascertained by arbitration in the manner provided for by the ' Public Works Act of 1888' for settling cases of disputed compensation, and subject to the terms and conditions therein contained. And when any such sale shall have been made to the said Government, the said tramway, lands, buildings, works, materials, plant, and premises shall vest in the Commissioners of Railways, who shall have all the rights, powers, and authorities of the said Joshua Hersey Cushing, John Fowler Turnbull, John Bassett Christian, and John George Griffin, their heirs, executors, administrators, and assigns, in respect to the said tramway so sold"

Power for the Government to purchase tramway.

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

GOULBURN AND TUENA TRAMWAY BILL.

WEDNESDAY, 13 JUNE, 1888.

Present:—

MR. STEVENSON,
MR. COLLS,
MR. BALL,

MR. HOLBOROW,
MR. JEANNERET,
MR. TEECE.

R. STEVENSON, Esq., IN THE CHAIR.

G. E. Russell Jones, Esq., Solicitor, appeared on behalf of the Promoters of the Bill.

Griffith Evan Russell Jones, Esq., sworn and examined:—

1. *Chairman.*] You are the Solicitor for the Bill? Yes.
2. You have published the necessary advertisements in the local and metropolitan newspapers as well as in the *Government Gazette*? Yes.
3. You have also paid into the Colonial Treasury? Yes.
4. You prepared the Bill? Yes; it was prepared in our office.
5. The contents, as far as you are aware, are perfectly true? Yes.
6. Is it actually necessary for the development of the mineral resources and the commercial interests of the district of Tuena that greater facilities for transit than now exist should be provided by the construction of this tramway? I believe so.
7. The persons whose land the line will traverse are set out in the schedule appended to this Bill? Yes.
8. Any interference with their rights, I presume, is provided for in the form of arbitration or otherwise? Yes.
9. Have you received any communication from any one signifying a desire to oppose the Bill? No.
10. Do you expect that the construction of this tramway will increase the revenue of the Government railways? I am led to believe so.
11. I see by a clause of the Bill that the gauge of this proposed tramway is 3 feet 6 inches? That, I believe, is an error. We want to make it 4 feet 8½ inches.
12. If the Government should construct a railway from Goulburn to Crookwell, would the promoters of the Bill be willing to connect with Tuena from that point? I should think so myself; but that is a question that Mr. Griffin will be able to answer.
13. If it were found necessary to widen the gauge provision is made for such in the Bill? We wish to widen the gauge at once; to have that clause altered so that the gauge will be wider.
14. Before commencing the tramway a survey will be made, and a map and book of reference open for public inspection? Yes.
15. Would the construction of this tramway have a tendency to give an advantage to a large number of persons in the development of the mineral resources of Tuena and the neighbourhood? I am informed so.
16. The preamble of the Bill sets forth that it is necessary for these gentlemen to develop the resources of this district that they should have the power to construct this tramway? Yes.

G. E. R. Jones,
Esq.

13 June, 1888.

John

John George Griffin, Esq., called in, sworn, and examined:—

J. G. Griffin,
Esq.
13 June, 1888.

17. *Chairman.*] You are one of the promoters of this Bill? Yes.
18. *Mr. Teece.*] Can you give us any idea of the quantity of traffic there is likely to be on this tramway? We anticipate a very large traffic from Tuena of mineral directly, and in taking coke and other things to the mine, different materials which would be required for making houses and so on, plant required for machinery, and goods for the use of the people who have settled there. There is a large population there, and it is likely to increase. We anticipated that we should have something very much like the Broken Hill traffic—a largely increasing one. Up to the present time it has certainly been increasing very much.
19. *Chairman.*] Are you a resident of Sydney? Yes; I am Mayor of Manly.
20. *Mr. Teece.*] Can you give us any estimate of the population settled? The population now, commencing at Peelwood, would be about 200; at Cordillera Hill, about 500; between Cordillera Hill and Mount Costigan, about 300; and at Mount Costigan, about 800. These are all engaged in mining, or connected with mines. Probably they would be mostly miners and their families, and the tradesmen supplying them. This population is largely increasing. Six months ago I know there were not 400 people there, and a year ago there were not 50, or at any rate there were not above 100, except at Mount Costigan mine.
21. *Chairman.*] Are you acquainted with the proposals contained in this Bill for the construction of this tramway? I am.
22. Have you had an opportunity of forming an opinion as to whether the proposal is acceptable to the people of Tuena and the surrounding neighbourhoods? I have heard every expression of opinion favourable to it.
23. You are not aware of anyone likely to oppose it? I have not heard of a single person objecting to it, neither directly nor indirectly.
24. Can you point out any beneficial results that are likely to accrue to the public? I think that the opening up of a district such as that, which has been neglected for many years, from an agricultural and a pastoral point of view, as well as a mining, would make it of very great service to the public generally.
25. Would the fact of the construction of this tramway tend to cheapen carriage? Very considerably so. At present there are 60 miles of land carriage.
26. Of course you have already said that it would stimulate the mining industry? Largely.
27. Are you aware what the freight per mile is at the present time, and what they propose to charge in this Bill? We have sent a good deal of goods up, but I cannot tell per mile exactly what it costs. I know that we expect to reduce the price from 50 to 75 per cent. on the land carriage, that is to say, from Goulburn to Tuena. I could find that out exactly from our own books.
28. Is the traffic large in the way of carriage on this line? It has very largely increased, especially the carriage of coke.
29. You have to take the coke for smelting purposes from Newcastle? All the coke comes from there. A very large quantity of coke goes both to the Cordillera and Costigan mines, both of which are smelting. It is not as if these mines were only scratched on the surface, but they are sending back bullion and concentrated ore.
30. Then I take it that the construction of this tramway will cheapen the smelting of these ores? Very largely. That is the main object of it, to cheapen carriage to and from the mine. I might mention to the Committee that there is 9 miles of mineral country, all of which in one line is taken up, besides various offshoots. That 9 miles contains a variety of companies whose capital would amount to approaching a million, and the bulk of that money has to be spent yet in the construction of a variety of things connected with mines.
31. I presume there is no wood or natural resources in that district for making coke? There is plenty of wood there, but it is not suitable for smelting purposes.
32. Where does your coke come from principally? From Newcastle.
33. Then it has to traverse all the Government railways? It has to come all over the Government railways. The experiments we have made with coke, made somewhere in the vicinity, have not been satisfactory. It will benefit the railways very much; besides that it will bring the bullion back, and that is a heavy item.
34. There is carriage both ways then? Yes.
35. Have you more than one smelting furnace? There are two smelters at the Cordillera and two at the Costigan mine now, and there will be smelters at the various other mines.
36. Have you any idea of what the average consumption of coke is per week or month? It is very much increasing; it increases enormously as they go on smelting.
37. Is the country between Goulburn and Tuena heavy in wet weather? Yes; parts of it very heavy.
38. Of course this would increase the carriage very much, which you would tend to cheapen? In very wet weather it is much more expensive.
39. Have you any idea what saving the tramway would effect in the cost of smelting? As coke is the chief item in smelting, it would reduce the cost by 25 or 30 per cent.
40. I think you said, in answer to Mr. Teece, that you could not state what the cost per ton was for carriage? I cannot from memory; I shall be able to find out in a very short time; in fact I do not have anything to do with the carriage of goods that are sent out.
41. It is not only the cost of carriage, but also the length of time the teams are on the road? Yes.
42. Are there any other gentlemen in the company besides those named in the Bill? Not at present. It is contemplated to form a company. It was simply to arrange the preliminaries for the introduction of the Bill that we confined the company to these persons.
43. The company is actually formed? Yes, in that form.
44. These names are put forth simply to comply with the law? They are the names of the sole promoters.
45. I presume that the road is practically a bush track? A good deal of it is metalled.
46. If the Government should construct the railway to Crookwell, would the promoters of the Bill be willing to connect with Tuena from that point? Yes.
47. *Mr. Jeanneret.*] You propose to alter the gauge? The gauge is, or should be, 4 ft. 8½ in.
48. Do you propose to take the main road at all for the tramway? No; the plan does not go by the main road. It goes generally through the valleys. We do not interfere with the main road in any way.
49. Where do you propose that the terminus of the tramway shall be? We have specified Tuena, but for our own purposes Costigan will be far enough.

ON THE GOULBURN AND TUENA TRAMWAY BILL.

50. How would you get from Crookwell to Tuena? Instead of going right into Crookwell, we would have J. G. Griffin, Esq. to start at the watercourse and follow the creek round.
51. *Mr. Teece.*] Your surveyed line and the line surveyed by the Government for their railway from Goulburn to Crookwell are almost identical as far as Laggan? Yes. 13 June, 1888.
52. What distance is it by measured line from Goulburn to Laggan? I think it is about 25 or 26 miles.
53. What will be the distance from Laggan to Tuena? About 35 miles.
54. In the event of the Government constructing their railway to Crookwell, what would you do? Half of it is done. We do not want to run parallel with the Government railway. If they make their line, we will start from where they leave off; but we think that we shall construct our line much quicker than the Government will construct their railway.
55. *Mr. Jeanneret.*] But suppose you construct your tramway from Goulburn to Crookwell or Tuena, and the Government should determine to construct a railway along the same route, what would be your course then? I do not think that it is at all possible. If the Government begin to construct within a reasonable time after we get our Bill we shall not attempt to begin there; but if the Government delay, and we commence our line, and they proposed afterwards to construct theirs, they would take our line from us, because we should construct our line in exactly the same strength and character as if it were a railway.
56. You would be willing to hand over to the Government at cost price that portion of the tramway? I do not say at cost price; we never contemplated such an eventuality as that. I am quite sure that it can be easily met. If it should arise, we should not stand in the way.
57. *Mr. Holborow.*] If you were certain that the Government would construct a line from Goulburn to Crookwell, and you saw that tenders were called for the work, and you had your Bill, I suppose you would be prepared at once to start from Tuena? Yes. Directly we find that the case we shall abandon the part which the Government propose to construct.
58. You want railway communication to your mines as early as possible? Yes.
59. *Mr. Ball.*] Do you have any difficulty at the present time in procuring vehicles sufficient to transport goods from the railway station at Goulburn? Sometimes we have a lot of goods delayed, and we have passengers delayed. The accommodation at present is not adequate to meet the requirements of the traffic. I refer more particularly to the goods traffic.

THURSDAY, 14 JUNE, 1888.

Present:—

MR. STEVENSON,
MR. BALL,
MR. BARBOUR,
MR. COLLS,

MR. DAY,
MR. HOLBOROW,
MR. JEANNERET,
MR. TEECE.

R. STEVENSON, ESQ., IN THE CHAIR.

G. E. Russell Jones, Esq., solicitor, appeared on behalf of the Promoters of the Bill.

Alfred Austin Gallagher, Esq., called in, sworn, and examined:—

60. *Chairman.*] What are you? A mining broker.
61. Do you know the district between Goulburn and Tuena? I do. I had a few particulars of the amounts paid for the carriage during the last twelve months in connection with the Costigan mine. The land carriage between Goulburn and Tuena was 2,242 tons, at about £2 10s. a ton, £5,602 18s. 7d. The amount of the railway freight from Sydney to Goulburn paid by the company was £2,093 7s. 5d., making a total of £7,696 6s. A. A. Gallagher, Esq. 14 June, 1888.
62. *Mr. Barbour.*] You mean to say that that is the gross? I have taken the tonnage on the different routes during the twelve months. The average rate paid is £2 10s. a ton, but we have paid as much as £3 10s. a ton.
63. *Mr. Holborow.*] That estimate is for four months, is it not? It is for thirteen months.
64. *Chairman.*] Have you any great difficulty in getting goods carried? Yes, great difficulty. At one time the works were stopped completely for want of coke. We estimate that the carriage will be nearly doubled this year, as we are doubling the plant at the mine. That would make the amount of freight for the year over £15,000.
65. *Mr. Holborow.*] Is there not a large amount paid for return carriage? Yes, £912. I put that at 20s. at the very lowest, the weight being about 76 tons a month.
66. *Chairman.*] Do you think it absolutely necessary to pass this Bill in view of the increasing trade of the district and the development of the mine? I do.
67. Of course the construction of the tramway would largely increase the traffic on the railway? Yes, because all the stuff would go by Goulburn instead of by Newbridge.
68. *Mr. Barbour.*] Are there other ways of reaching Tuena than *viâ* Goulburn? Yes; you can go to Newbridge.
69. Is that place nearer to Sydney than Goulburn? No; it is further from Sydney. There is a difference of about 5s. 6d. in the railway freight.
70. Have you used that road? Yes. We have used both roads. We were so hampered for want of supplies that we were obliged to do so.
71. *Chairman.*] Have you any idea of the amount which has been paid for carriage on the line? I have taken the whole on the two routes and put them together. We should send the whole of the stuff *viâ* Goulburn if this tramway was constructed.
72. *Mr. Holborow.*] You have only mentioned the Mount Costigan mine. Have you anything to do with the Cordillera? No; I am speaking only of one mine. The Cordillera Company have been getting more stuff than we have.
73. *Mr. Barbour.*] What would you estimate as the gross freight paid by all the companies together during the last twelve months? £12,000.
74. How many tons would that represent? About 3,200. 75.

- A. A. Gallagher, Esq.
14 June, 1888.
75. Does half of that belong to the Mount Costigan mine? We have had about two-thirds, but in the future our share will only be one-half.
76. *Mr. Colls.*] What would be about the weight of the machinery that has gone through your hands? Only about 10 tons—say 20 tons for stores and other stuff; that would leave a good margin.
77. *Chairman.*] What population is there in that district? I should think about 2,000. We have about 100 employed at the mine.
78. *Mr. Colls.*] What you send most is store goods? We send coke.
79. *Chairman.*] Are you aware that a large quantity of coke is waiting at Goulburn requiring conveyance? I believe so; but it is not for us; it is for the Cordillera Company.
80. *Mr. Barbour.*] Where does the coke come from? Newcastle—the Co-operative Colliery. We get some also from the Singleton Coke Company.
81. *Mr. Holborow.*] The amount of tonnage which you have stated only comes from your mines, it does not include the traffic of the inhabitants? No.
82. *Mr. Ball.*] Are you aware that there are other mines working besides those you have mentioned? I understand that the Peelwood Mine will soon be ready for smelting, and there are mines for 10 miles there which will eventually be ready for working.
83. *Chairman.*] It is a very large mineral district, I believe? Yes. About 15 miles of it have been taken up.

W. A. Harper, Esq., called in, sworn, and examined:—

- W. A. Harper, Esq.
14 June, 1888.
84. *Chairman.*] What are you? A civil engineer.
85. Are you acquainted with the Tuena Tramway Company? Yes; I selected the route.
86. Have you any plans showing the route? Yes.
87. Do you produce the plans as exhibits? I do; I produce the plan of the proposed Government line from Goulburn to Crookwell. It is a copy of a Parliamentary plan.
88. You ask to be allowed, if the Government do not construct this line, to carry the tramway on the same route? Yes.
89. Do you also produce a plan of the route from Tuena to Laggan? Yes.
90. That is, from the point where the Government propose to construct a railway from Goulburn to Crookwell, is it not? Yes; about 3 miles from Crookwell.
91. That is a survey of your own? Yes.
92. In the event of the Government constructing the proposed line from Goulburn to Crookwell, are you aware whether the company are willing to carry the line from that point? Yes, they are.
93. I presume that that is the reason why you have only taken the survey from Tuena to Laggan? No. I think the Company wished to construct it the whole way, but I could not improve on the other route. We will adopt this from Goulburn to Crookwell, if we can get it.
94. *Mr. Barbour.*] And you have made a further survey on your own account from there to Tuena? Yes.
95. The plan you have produced shows that survey? Yes.
96. What is the character of the line—will it be easy or difficult to construct? It is very easy for about 25 miles. The total distance from Sydney is 201 miles. From Laggan, the junction, to Tuena township is 39 miles.
97. Do you know what the distance is from Laggan to Goulburn? It is about 32 miles.
98. Do you know what the distance is from Goulburn to the junction? 28 miles.
99. *Mr. Colls.*] Is the land all taken up there? No; there is a great deal of Crown land between Laggan and Tuena.
100. Is the schedule to the Bill prepared in accordance with the plans you exhibit? Yes; I prepared the schedule.
101. *Mr. Barbour.*] What would be the character of the tramway? Sixty-pound rails will be used.
102. The same as on the Government railways? The same gauge, but lighter rails.
103. Is it called a light line? It may be regarded either as a light railway or a tramway.
104. *Mr. Jeanneret.*] Does the line run through the present township of Peelwood? No.
105. How far off will it go? About 2 miles. They were anxious for the survey to go through Peelwood, but it could not be done.
106. Why? Because it would have been a bad position for the line. It would have necessitated altering the whole of the line. We took it as near to the township as we could get it.
107. You cannot get the railway to the township then? We could run a branch line to Peelwood.
108. You will put a siding there? Yes; we are anxious to do that.
109. Will the terminus be in the township of Tuena? Just on the boundary of the township.
110. How far from the present telegraph office? I do not know; I have never been into the town.
111. Does it go near the school? No; it goes just to the boundary.
112. *Chairman.*] Do you know what the gauge is? Four feet eight and a half inches, the same as that of the Government lines.
113. *Mr. Jeanneret.*] Is there any difficulty about taking the line right into the town? No, none at all. We only stopped on the boundary because it was a good place to start the line from, and no arrangements had been made to take land.
114. But if there is no difficulty about the land I suppose you would run the line right into the town? Yes. It is practically in the town.
115. *Chairman.*] Will you look at clause 3 of the Bill? How do you account for the difference between the statement there that the gauge of the line is to be 3 feet and your statement that it is to be 4 feet 8½ inches? I was not aware that there was any idea that the gauge should be 3 feet. It must be a misprint.
116. *Mr. Barbour.*] Then the gauge mentioned in clause 3 is an error? Yes; the gauge is to be 4 feet 8½ inches.
117. *Mr. Jeanneret.*] I understood you to say that if there was no difficulty about the land you would run the tramway into the town of Tuena? Yes.

Charles Augustus Goodchap, Esq., called in, sworn, and examined:—

118. *Chairman.*] You are Commissioner for Railways? Yes.
119. Have you seen a copy of the Tuena Tramway Bill? Yes.
120. Have you read it? Yes.
121. Have you any objection to the Bill as proposed? I should say that it would be very undesirable to pass the Bill in view of the circumstance that the Government have proposed to construct a line from Goulburn to Crookwell. There certainly would not be room for two railway lines there.
122. You are not aware, I presume, that the projectors of the Bill are willing, in the event of the Government carrying out the line from Goulburn to Crookwell, to connect at that point. Would your objection in that case apply? No; that is the course that I was going to suggest.
123. I think you had better make to the Committee any statement on the subject which you have to make? I think it would be a desirable course that the company should construct a line from Crookwell to Tuena; but I should suggest that the gauge should be 4 feet 8½ inches, and I think that running powers should be taken over the line by the Government similar to those granted under Bennett's Act, the measure which authorized the construction of the line from Granville to Roschill. I should insert clause 13 of Bennett's Act in this Bill *mutatis mutandis*. A scale of tolls should be prepared for agricultural produce, minerals, coke, coal, firewood, and perhaps sand and timber, and there should be a rate not exceeding twopence per ton per mile. That would be a miscellaneous class. I think it should also be stipulated that in the classification of goods relation should be had to the classes of goods contained in the Government classification. Such as are in the first class under the Government classification should be in the first class of goods mentioned in the Bill; and the second and third and fourth classes in the Government classification should be in the corresponding classes under the Bill. Otherwise we might find goods which should be in the first class put into the fourth class, and a larger amount charged for their carriage than would be reasonable.
124. *Mr. Barbour.*] Would you suggest that there should be more classes? I suggest an addition to those in the Bill to include the articles I have named.
125. Then you would suggest that the same classification should be adopted as is used on the New South Wales Railways? Yes.
126. And as to the rates? I should leave them to be fixed by the company, but not to exceed the amount named as the maximum. I would put a clause in to the effect that the maximum rates are to include the terminal charges. The rates proposed are very high. There has been a dispute in England as to whether the charges on the railways include the terminal rates. No doubt they intended to include them, but the companies have been charging not only the maximum rates under their Acts, but extra sums for terminals, which have been very much objected to by the trading community. It will be necessary to insert a clause in the Bill to provide that the charges shall include terminals.
127. Could that be put in as an addendum? Yes, as an addendum to the classification. I think that the clause referring to the purchase of the tramway by the Government at a future time should also be made similar to the 32nd clause of Bennett's Act. This Bill gives no power to resume, except after the expiration of twenty-one years from the passing of the Act. Bennett's Act gives power to the Government to resume the line at any time.
128. *Chairman.*] Have you any idea what the trade is at the present time in connection with the proposed line? Yes; I estimate that the trade between Goulburn and Crookwell would amount to something like £40,000 a year.
129. Do you know whether there would be any difficulty in getting away the coke and such things as are carried up at the present time? Yes; I believe there is a very great difficulty in getting it to the mines, and I think it may be accepted as an axiom that where traffic of an agricultural or mineral character has to be brought 20 miles otherwise than by rail or water it will not be remunerative.
130. Have you any idea as to the amount paid to the railways in connection with the mines at the present time? I am not in a position to state that.
131. *Mr. Barbour.*] Looking at it from a general point of view, your opinion is that such a line would be beneficial to the country? I have no doubt about it: a line from Goulburn to Crookwell will be a very remunerative line. Beyond that point the country is not agricultural—it is mineral; and its success will depend upon the character of the mining operations.
132. *Chairman.*] I understand from the evidence you have given that you would raise no objection to the line being continued by the company from that point? No; provided that it is continued on the same gauge, and the rails are laid down not lighter than 60 pounds to the yard to admit of Government rolling stock going over them.
133. *Mr. Jeanneret.*] You said that you had no doubt that the extension of the line from Goulburn to Crookwell would be remunerative. If the Bill is passed, then unquestionably this company will have power at once to construct the line. How do you propose to reconcile your intention to construct a line with the powers which are to be given to the company? I understand that the company do not now propose to go from Goulburn to Crookwell.
134. It would be of no use constructing a line from Crookwell to Tuena unless the railway were extended from Goulburn? They will have 33 miles to construct.
135. Yes; but they will not be likely to wait for the Government to proceed with theirs? I see the company, in the Bill, ask to be allowed five years to construct the line.
136. If power is given to the company to construct the line, either the Government should go ahead with their portion, or the company should be allowed to do so? Five years is given for the construction of the whole line. I should put in a stipulation that in the event of the Government agreeing or undertaking to construct a line to Crookwell within two years that portion of the Act should not be operative.
137. *Mr. Barbour.*] As I understand your evidence, you object to the line being made from Goulburn to Crookwell, as the Government intend to make that line? Yes.
138. But you have no objections to this line from Crookwell to Tuena? No.
139. Should the Government decide not to make this line within the next two years, you do not see any objection to the company being authorized to do it? I think two years a reasonable time.
140. *Mr. Teeco.*] The company proposed to join at a point 162 miles from Sydney. On the line there is a valuable unsold Government village reserve. In your opinion, would it be more advantageous to the Government

C. A.
Goodchap,
Esq.

14 June, 1888.

- C. A. Goodchap, Esq.
14 June, 1888.
- Government if they were to effect a junction at that reserve? That I am not prepared to give any opinion upon at present. If you get a private line you will have power, under the Government Railways Act, to come in at any point that may be agreed upon.
141. *Mr. Jeanneret.*] Supposing these powers are given to the Tuena Tramway Company, and they immediately construct a line from Tuena towards Crookwell, will that hasten the carrying out of the Government line from Goulburn? I could not say.
142. If the traffic was coming down, the Government would be desirous of getting hold of it, would they not? Undoubtedly.
143. *Chairman.*] From what you know of the matter, you have no doubt that the line will be adopted? Yes; from the information which will be given to the Committee I am quite certain that it is a line that will be approved of.
144. *Mr. Holborow.*] You estimate the traffic from Goulburn to Crookwell to amount to about £40,000 a year? Yes.
145. But you do not include the revenue to be derived from the Tuena and Cordillera mines? I have, in part. I put it down at the very lowest possible amount. I calculated that the revenue from that source would be about £7,000 a year.
146. *Mr. Teece.*] Have you any information from the Railway Department as to the increase of revenue from Goulburn this year, as compared with last year? I have not. I think there is an increase.
147. *Mr. Barbour.*] As to the point of connection, you prefer that to be decided by the Government engineers? Yes.
148. *Chairman.*] Do you know the distance from Goulburn to Crookwell? Yes; it is 33 miles.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

GRAFTON SCHOOL OF ARTS TRUSTEES
ENABLING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 *December*, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.
(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 33. FRIDAY, 25 NOVEMBER, 1887.

8. GRAFTON SCHOOL OF ARTS TRUSTEES ENABLING BILL (*Formal Motion*):—*Mr. Lyne*, for *Mr. See*, moved, pursuant to Notice,—
- (1.) That the Grafton School of Arts Trustees Enabling Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. McFarlane*, *Mr. Moore*, *Mr. Ewing*, *Mr. Henry Clarke*, *Mr. O'Sullivan*, *Mr. McCourt*, *Mr. Lee*, *Mr. Kethel*, and the Mover.
- Question put and passed.

VOTES No. 42. WEDNESDAY, 14 DECEMBER, 1887.

4. GRAFTON SCHOOL OF ARTS TRUSTEES ENABLING BILL:—*Mr. Cameron*, for *Mr. See*, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 25th November, 1887, together with a copy of the Bill, as agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887.

(THIRD SESSION.)

GRAFTON SCHOOL OF ARTS TRUSTEES ENABLING BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 25th November, 1887,—the “*Grafton School of Arts Trustees Enabling Bill*,”—beg to report to your Honorable House :—

That they have examined the witnesses named in the list* (whose * See list page 4. evidence will be found appended hereto) ; and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

JOHN SEE,
Chairman.

No. 3 Committee Room,
Sydney, 13th December, 1887.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 9 DECEMBER, 1887.

The House adjourned from Thursday until Tuesday, and therefore no meeting could be held.

TUESDAY, 13 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. See,	Mr. M'Farlane,
Mr. Moore,	Mr. Henry Clarke.

Mr. See called to the Chair.

Entry from Votes and Proceedings appointing the Committee, read by the Clerk.

Printed copies of the Bill *referred* together with the original Petition to introduce the same before the Committee.

Present,—J. F. Thomas, Esq. (*Solicitor for the Bill*).

James Francis Thomas, Esq., sworn and examined.

John M'Farlane, Esq., M.P. (*a member of the Committee*), sworn and examined in his place.

Room cleared.

Preamble considered.

Question, "That this Preamble stand part of the Bill," put and passed.

Solicitor called in and informed.

Bill read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill, without amendment, to the House.

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1887.
 LEGISLATIVE ASSEMBLY,
 NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

GRAFTON SCHOOL OF ARTS TRUSTEES ENABLING BILL.

TUESDAY, 13 DECEMBER, 1887.

Present:—

MR. H. CLARKE,	|	MR. S. W. MOORE,
MR. M'FARLANE,	|	MR. SEE.

J. SEE, ESQ., IN THE CHAIR.

Mr. J. F. Thomas, Solicitor, appeared on behalf of Mr. J. M. Curtis, agent for Messrs. Meillon & Laman, Solicitors for the Bill.

Mr. James Francis Thomas called in, sworn, and examined:—

1. *Chairman.*] What are you? I am a solicitor, and clerk to Mr. J. M. Curtis, who is agent for Messrs. Meillon & Laman, of Grafton, the solicitors for the Bill.
2. Will you kindly tell us what you know about the object of the Bill? I have no personal knowledge, but Mr. Curtis has received written instructions to counsel to draw the Bill.
3. Will you kindly tell us what those instructions are, or the material parts of them? They are as follows:—

Mr.
J. F. Thomas.
13 Dec., 1887.

"It would appear that some years before the date of the Crown grant the land had been dedicated as the site for a School of Arts, and in or about the year 1860 the Committee erected a small lecture hall, together with wings on either side, consisting of some four rooms, which were used as a reading-room, Committee-room, class-room, and library respectively.

"In the year 1870, the number of members having considerably increased, and greater accommodation being required, the then Committee of Management, after obtaining the sanction of the members of the institution, caused an addition to be made by the erection of a two-storey brick building (in front of the hall), which answered the purposes of the institution fairly well for some time, but for several years past it has been felt by the members of the institution that there is great need of further enlargement in order to provide increased accommodation for classes in connection with the Technical College, and also for lecturers on scientific and instructive subjects, and for other necessary purposes of the institution; and further, that the present buildings are in such a bad state of repair that unless the necessary reparations and additions are made within a short time the cost of carrying them out will be materially increased.

"It was therefore decided, by a resolution carried at a general meeting of the members held on the 22nd September last, that steps should be taken to obtain Parliamentary authority enabling the trustees to raise by mortgage or otherwise upon the security of the freeholds belonging to the institution, a sum not exceeding £3,000, to be devoted under the direction of the Committee for the time being, and as it may deem fit towards carrying out the additions, alterations, and improvements provided for in certain plans and specifications prepared by Mr. Blackman, architect, Sydney, subject to such deviations as may be found necessary in respect to the foundations and front of the main building.

"Of course all money to be borrowed will be spent on buildings only.

"Since

Mr.
J. F. Thomas.
13 Dec., 1887.

"Since the foregoing case was prepared, instructions have been received from the Committee that they would like to have inserted in the Bill a power to sell the land, either privately or by auction, with usual clauses protecting purchasers; but that before any sale can take place the resolution authorizing it must have been passed by a majority of two-thirds of the members present and entitled to vote at a special meeting of members, fourteen days' notice of which should be given by advertisement in two separate issues of at least one local newspaper, and have been confirmed by a like majority of the members present at a subsequent special general meeting, of which a similar notice has been duly given as aforesaid, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such resolution was first passed."

4. Has that been done? It simply says here that instructions have been received from the School of Arts Committee that they would like to have that inserted in the Bill.
5. Does the schedule contain a correct description of the land referred to in the Bill? It corresponds with a copy of the description in the grant as given to us.

John McFarlane, Esq., M.P., sworn and examined in his place:—

- J. McFarlane, Esq., M.P.
13 Dec., 1887.
6. *Chairman.*] You are acquainted with Grafton? Yes.
7. And you know the School of Arts there, and the condition of it? Yes. I was Secretary to the Grafton School of Arts for a considerable time.
8. Do you know of your own knowledge that the members are anxious to obtain power to sell the site or mortgage it for the purpose of improving the institution? Yes; and I may say that the building is sadly in need of repair. It was so four years ago. The front wall is cracked.
9. And the foundations have sunk? Yes; the sinking was the cause of the cracking of the wall.
10. That is in consequence of the sandy nature of the soil? Yes; it is a bad foundation, a sandy foundation. The Committee of the School of Arts obtained the services of an architect from Sydney, Mr. Morell, to specially report upon the building, and he strongly recommended that either a new building should be erected or that substantial support be given to the wall.
11. And the back part of the building—the hall part—is altogether insufficient for the requirements of the place? Yes; it is too small.
12. You have read the preamble of the Bill? Yes.
13. And you have told us that the building is in a bad state of repair, and that you know of your own knowledge that the Committee are anxious to acquire the powers which this Bill will give? They have been so for the last four or five years.
14. And you know of no objection on the part of anyone to this power being given them? None whatever.
15. *Mr. Moore.*] You say that the present condition is unsuited to the requirements of the institution? Yes. The hall is far too small; it is overcrowded with only 200 or 300 people, and it is reckoned that a hall suitable for the place should accommodate 600 or 700 people. In fact public meetings on any particular question have to be held in the theatre, which is a building of a very temporary character.
16. *Mr. H. Clarke.*] But independently of the condition of the building you think it necessary to borrow a certain sum of money to either repair the old building or to make additions to it? Yes.
17. *Chairman.*] Or to obtain power to mortgage or sell? Yes.
18. Perhaps a more suitable site might be obtained than the present one? Possibly; but I do not think so. There were several lengthy discussions about obtaining a new site, but the majority of the members always seemed to be under the impression that the present site was most suitable.
19. It is central, but not so elevated as some of the other sites that might be obtained? There are some higher sites. I think it is intended to sell only a portion of the land; I do not think it is contemplated to sell the whole. It is a very large block of land, and if a portion of it were sold there would still be fair accommodation for the new building.
20. The site is a very valuable one? It is one of the best positions in the city; it is at one of four corners equally good.
21. It is at the corner of Prince and Victoria streets, and near to the post-office? Yes; almost adjacent.
22. *Mr. Thomas.*] You mentioned that the foundation was sandy;—might it not for that reason be desirable to purchase another site? A foundation of that nature can always be remedied by making a concrete foundation, but of course it entails the expenditure of a large sum of money.
23. *Chairman.*] That would scarcely be the reason for selling it. It would probably be because the site is so valuable that they might purchase another eligible site of less value? I do not know the opinion of the members at the present time. I am speaking of four or five years ago. It was proposed at that time to change the site, and a good many members were in favour of it; but the majority were against it.

1887-S.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

HUNTER-STREET NEWCASTLE EXTENSION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 *May*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 60. WEDNESDAY, 29 FEBRUARY, 1888.

12. HUNTER-STREET NEWCASTLE EXTENSION BILL (*Formal Motion*):—Mr. Fletcher moved, pursuant to Notice,—
- (1.) That the Hunter-street Newcastle Extension Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Brunner, Mr. Henry Clarke, Mr. Creer, Mr. Dibbs, Mr. Ellis, Mr. Melville, Mr. Schey, Mr. Slattery, and the Mover.
- Question put and passed.

VOTES No. 63. WEDNESDAY, 7 MARCH, 1888.

5. HUNTER-STREET NEWCASTLE EXTENSION BILL:—

* * * * *

(2.) Mr. Ellis presented another Petition, in reference to this Bill, from the Reverend Sydney Calvert Jackson Grime, and Frances, his wife, and William Howard Greenway, and Charles Sweetland, all of Newcastle, praying that the House will either reject this Bill or amend the same, by restricting the quantity of land to be taken under its provisions to sufficient for the construction of Hunter-street, and by making better provision for securing the due and prompt payment of the compensation payable thereunder.

Petition received.

VOTES No. 75. TUESDAY, 10 APRIL, 1888.

2. HUNTER-STREET NEWCASTLE EXTENSION BILL:—

(1.) Mr. Hassall presented a Petition from Alexander Ogilvie Grant, of Parramatta, praying that the Hunter-street Newcastle Extension Bill may not receive the sanction of the House without such alteration as may secure to the Petitioner the right of compelling the Borough Council of Newcastle to purchase all or so much of the several allotments as will not destroy the value of the land, and at such fair prices as may maintain for the Petitioner his income as life tenant, and protect the interests of the tenants in remainder.

Petition received.

VOTES No. 78. TUESDAY, 17 APRIL, 1888.

8. HUNTER-STREET NEWCASTLE EXTENSION BILL:—*Mr. Hawthorne*, for Mr. Levien, presented a Petition from Alexander Ogilvie Grant, of Parramatta, representing that he has presented a previous Petition against the passing of the Hunter-street Newcastle Extension Bill as it at present stands, and praying that he may be heard by Counsel or Attorney before the Select Committee appointed to report on the said Bill.
- Petition received.

VOTES No. 83. THURSDAY, 26 APRIL, 1888.

15. HUNTER-STREET NEWCASTLE EXTENSION BILL:—Mr. Hassall moved, pursuant to Notice, That the prayer of the Petition presented by him on the 17th April, 1888, on behalf of Alexander Ogilvie Grant, for leave to be heard by Counsel or Attorney before the Select Committee on the Hunter-street Newcastle Extension Bill, be granted.
- Question put and passed.

VOTES No. 86. THURSDAY, 3 MAY, 1888.

2. HUNTER-STREET NEWCASTLE EXTENSION BILL:—Mr. Fletcher, 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 consideration and report this Bill was referred on 29th February, 1888, together with Appendix and a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

 HUNTER-STREET NEWCASTLE EXTENSION BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 29th February, 1888, the "*Hunter-street Newcastle Extension Bill*," and to whom was also referred on the 7th March, 1888, "*the Petition from the Reverend Sydney Calvert Jackson Grime and others, in opposition to the Bill*," and on the 10th April, 1888, "*the Petition from Alexander Ogilvie Grant, in opposition to the Bill*," and on the 26th April, 1888, "*the Petition from Alexander Ogilvie Grant, for leave to be heard by Counsel or Attorney before the Committee*,"—beg to report to your Honorable House,—

That they have examined the witnesses named in the List* (whose * See list, p. 7. evidence will be found appended hereto), and that the Preamble as amended having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Preamble.

JAMES FLETCHER,
Chairman.

No. 2 Committee Room,
Sydney, 2nd May, 1888.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 15 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Fletcher,		Mr. Creer,
Mr. Henry Clarke,	|	Mr. Ellis,
	Mr. Slattery.	

Mr. Fletcher called to the Chair.

Entries from Votes and Proceedings appointing the Committee, and referring the Petition from the Reverend Sydney Calvert Jackson Grime and others, *read* by the Clerk.

Printed copies of the Bill and Petition *referred*, together with the original Petition to introduce the Bill before the Committee.

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).

Henry Buchanan, Esq. (*Mayor of Newcastle*), called in, sworn, and examined.

Witness withdrew.

Edward Scott Holland, Esq. (*Town Clerk, Newcastle*), called in, sworn, and examined.

Witness withdrew.

Lancelot Alexander Wilkinson, Esq., called in, sworn, and examined.

Witness *handed in* plan of the proposed extension referred to in the Preamble.

Witness withdrew.

John Frogley, Esq., called in, sworn, and examined.

Witness *handed in* valuation of land proposed to be resumed. (*See Appendix A.*)

Room cleared.

Committee deliberated.

[Adjourned to Thursday next, at *half-past one o'clock*.]

THURSDAY, 22 MARCH, 1888.

MEMBERS PRESENT:—

	Mr. Fletcher in the Chair.	
Mr. Ellis,	|	Mr. Creer,
	Mr. Henry Clarke.	

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*); Henry Joseph Brown, Esq. (*Solicitor for the Petitioners against the Bill*).

Henry Joseph Brown, Esq., sworn and examined.

Witness *handed in* plan showing proposed extension of Hunter-street, Newcastle.

The Reverend Sydney Calvert Jackson Grime (*one of the Petitioners against the Bill*), called in, sworn, and examined.

Witness withdrew.

Charles Sweetland, Esq., called in, sworn, and examined.

Room cleared.

Committee deliberated.

[Adjourned to Wednesday next, at *half-past one o'clock*.]

WEDNESDAY, 28 MARCH, 1888.

MEMBERS PRESENT:—

	Mr. Fletcher in the Chair.	
Mr. Dibbs,	|	Mr. Ellis,
Mr. Melville,	|	Mr. Creer.

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*); Henry Joseph Brown, Esq. (*Solicitor for the Petitioners against the Bill*).

Mr. Brown addressed the Committee.

Room cleared.

Preamble considered and amended.*

Question,—That this Preamble as amended stand part of the Bill,—put and passed.

Clause 1 read and agreed to.

Clause 2 read, amended,* and agreed to.

Clause 3 read, amended,* and agreed to.

Clause 4 read and agreed to.

Clause 5 read, amended,* and agreed to.

Clauses 6 to 11 read and agreed to.

Clause 12 read, amended,* and agreed to.

Clauses 13 and 14 read and agreed to.

Clause 15 read, amended,* and agreed to.

Clauses 16 to 29 read and agreed to.

Clause 30 read, amended,* and agreed to.

Clauses 31 to 33 read and agreed to.

Schedule considered and amended.*

Room cleared.

Committee deliberated.

[Adjourned to Tuesday, 10th April, at *half-past one o'clock*.]

* See Schedule of Amendments.

TUESDAY,

TUESDAY, 10 APRIL, 1888.

MEMBERS PRESENT :—

None.

[In the absence of a quorum the meeting called for this day lapsed.]

TUESDAY, 17 APRIL, 1888.

MEMBERS PRESENT :—

Mr. Fletcher in the Chair.

Mr. Dibbs,

Mr. Levien.

Mr. Henry Clarke,

Entry from Votes and Proceedings, referring the Petition from Alexander Ogilvie Grant, read by the Clerk.

Printed copies of the Petition referred before the Committee.
Committee deliberated.

[Adjourned to Tuesday next, at half-past one o'clock.]

TUESDAY, 21 APRIL, 1888.

MEMBERS PRESENT :—

None.

[In the absence of a quorum the meeting called for this day lapsed.]

TUESDAY, 1 MAY, 1888.

MEMBERS PRESENT :—

Mr. Fletcher,

Mr. Creer.

[In the absence of a quorum the meeting called for this day lapsed.]

WEDNESDAY, 2 MAY, 1888.

MEMBERS PRESENT :—

Mr. Fletcher in the Chair.

Mr. Brunker,

Mr. Creer.

Mr. Melville,

Entry from the Votes and Proceedings, granting leave to Alexander Ogilvie Grant to be heard by Counsel or Attorney before the Committee, read by the Clerk.

Schedule further considered and negatived.

New Schedule,* to stand as the Schedule to the Bill, read and agreed to.

Preamble reconsidered, further amended,* and Question,—“That the Preamble, as further amended, stand part of the Bill,”—put and passed.

Clause 3 reconsidered, further amended, and agreed to.

Clause 5 reconsidered, further amended,* and agreed to.

Clause 22 reconsidered, amended,* and agreed to.

Title read and agreed to.

Chairman to report the Bill as amended to the House.

* See Schedule of Amendments.

SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line 4.	Omit “enumerated and”
” ” ” 4.	After “described” omit “and”
” ” ” 5.	Omit “delineated”
” ” ” 5.	Omit “Schedules” insert “Schedule”
” ” ” 6.	Omit “Lane” insert “Zaara”
” ” ” 9.	Omit “Schedules” insert “Schedule”
” ” ” 12.	Omit “Lane” insert “Zaara”
” clause 2, ” 33.	Omit “Lane” insert “Zaara”
” 2, ” 3, ” 1.	Omit “First”
” ” 3, ” 1.	Omit “and delineated”
” ” 3, ” 2.	Omit “on the Plan in the Second Schedule hereto”
” ” 3.	Add to clause “Provided always that where the said street shall pass through any reserve only sufficient land of such reserve to construct the said street one chain wide shall vest in the said Council”
” clause 5, line 11.	Omit “the passing of this Act,” insert “notice of resumption to”
” ” 5, ” 12.	Omit “Schedules,” insert “Schedule”
” ” 5, ” 13.	Omit “and”
” ” 5, ” 13.	After “agrec,” insert “with them or any of them.”
” 3, ” 12, lines 28 and 29.	Omit “and when either of them shall refuse or neglect to act as aforesaid”

- Page 4, clause 15, lines 14 to 18. *Omit* "and the costs of the arbitrators shall be borne by the parties in equal portions, unless the amount awarded shall be one-fourth less than the amount claimed, in which case the whole costs shall be paid by the claimant"
- „ 5, „ 22, line 27. *Omit* "Schedules," *insert* "Schedule"
- „ 6, „ 30, „ 22. *Omit* "the Council holds," *insert* "are reserved"
- „ 7. *Omit* First Schedule, *insert* following new Schedule.

SCHEDULE.

All that piece or parcel of land forming part of a Government reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre three roods eighteen perches : Commencing on the east side of Zaara-street, at a point bearing south six degrees seven minutes west thirty and one-half links from the south-west corner of allotment number two hundred and seventy-two ; and bounded thence on the south by a line bearing south eighty-four degrees nine minutes, east two thousand and twenty-five links to the low-water mark, Pacific Ocean ; thence on the east by low-water mark bearing north six degrees seven minutes east one hundred links ; thence on part of the north by a line bearing north eighty-four degrees nine minutes west one thousand eight hundred links to the east boundary of allotment number two hundred and seventy-two ; thence on part of the west by the east boundary of allotment two hundred and seventy-two bearing south six degrees one minute west seventy-one and one-quarter links ; thence on the remainder of the north by the south boundary of allotment number two hundred and seventy-two bearing north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links to Zaara-street ; thence by the east side of Zaara-street by a line bearing south six degrees seven minutes west thirty and one-half links, to the point of commencement.

All that piece or parcel of land forming Government allotments number two hundred and seventy-two and part of allotment number two hundred and seventy-one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one rood twenty-one perches : Commencing on the eastern side of Zaara-street, at the south-west corner of allotment number two hundred and seventy-two, and bounded on the west by the east side of Zaara-street, bearing north six degrees seven minutes east one hundred and sixty-nine and one-half links ; thence on the north by a line bearing south eighty-four degrees nine minutes east, two hundred and twenty-five links ; thence on the east by a line bearing south six degrees ten minutes west, one hundred and seventy-one and one-quarter links ; thence on the south by the south boundary of allotment number two hundred and seventy-two, bearing north eighty-three degrees forty-nine minutes west, two hundred and twenty-four and three-quarter links, to the point of commencement.

All that piece or parcel of land forming part of Government allotments two hundred and thirty-two, two-hundred and thirty-eight, and two hundred and thirty-nine, and the whole of allotments two hundred and thirty-four, two hundred and thirty-five, two hundred and thirty-six, and two hundred and thirty-seven, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre one rood one perch : Commencing on the west side of Zaara-street at the south-east corner of allotment number two hundred and thirty-four ; and bounded on the east by the west side of Zaara-street bearing north six degrees seven minutes east two hundred and seventy-one links ; thence on the north by a line bearing north eighty-four degrees nine minutes west four hundred and forty-nine links to the east side of Telford-street ; thence on the west by the east side of Telford-street bearing south five degrees thirty-six minutes west three hundred links ; thence on part of the south by a line bearing south eighty-four degrees nine minutes east two hundred and twenty links ; thence again on the east by a line bearing north six degrees twenty-four minutes east thirty links ; thence on the remainder of the south by a line bearing south eighty-four degrees twenty-six minutes east two hundred and twenty-six and one quarter links, to the point of commencement.

All that piece or parcel of land forming part of allotments two hundred and twenty-seven and two hundred and twenty-eight, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and one-half perches : Commencing on the west side of Telford-street at a point bearing south five degrees thirty-six minutes west thirty-two links from the north-east corner of allotment number two hundred and twenty-seven and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-eight and three quarter links ; thence on the west by the east boundary of a reserve bearing south six degrees eighteen minutes west, one hundred links ; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and thirty links to the west side of Telford-street ; thence on the east by the west side of Telford-street bearing north five degrees thirty-six minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of a reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and three-quarter perches : Commencing on the west side of allotment number two hundred and twenty-seven, at a point thirty links southerly from its north-west corner ; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Pacific-street ; thence on the west by the east side of Pacific-street bearing south six degrees forty-four minutes west one hundred links ; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-four links to the west boundary of allotment number two hundred and twenty-eight ; thence on the east by part of the west boundaries of allotments two hundred and twenty-eight and two hundred and twenty-seven bearing north six degrees eighteen minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number eight, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches : Commencing on the east side of Watt-street at the south-west corner of allotment number six ; and bounded on the north by the south boundary of allotment number six bearing south eighty-four degrees nine minutes east two hundred and twenty-three and one-quarter links ; thence on the east by the west boundary of allotment number seven bearing south six degrees four minutes west thirty-two links ; thence on the south by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street ; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east thirty-two links, to the point of commencement.

All

All that piece or parcel of land forming part of Government allotment number seven, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number five; and bounded on the north by the south boundary of allotment number five bearing north eighty-four degrees fourteen minutes west two hundred and thirty-one links; thence on the west by part of the east boundary of allotment number eight bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and thirty-one and one-quarter links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east thirty-two and one-quarter links, to the point of commencement.

All that piece or parcel of land forming Government allotment number six, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number four; and bounded on the north by the south boundary of allotment number four bearing south eighty-four degrees seventeen minutes east two hundred and twenty-two and one-half links to the north-west corner of allotment number five; thence on the east by the west boundary of allotment number five bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming Government allotment number five city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number three; and bounded on the north by the south boundary of allotment number three bearing north eighty-four degrees four minutes west two hundred and thirty links; thence on the west by the east boundary of allotment number six bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing south eighty-four degrees fourteen minutes east two hundred and thirty-one links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred links, to the point of commencement.

All that piece or parcel of land being Government allotment number four, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the east side of Watt-street at the south-west corner of allotment number two; and bounded on the north by the south boundary of allotment number two bearing south eighty-three degrees fifty-five minutes east two hundred and twenty links; thence on the east by the west boundary of allotment number three bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing north eighty-four degrees seventeen minutes west two hundred and twenty-two and one-half links to the east side of Watt-street; thence on the west by the east side of Watt-street, bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

All that piece or parcel of land being Government allotment number three, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number one; and bounded on the north by the south boundary of allotment number one bearing north eighty-four degrees thirty-four minutes west two hundred and thirty-four and one-quarter links to the north-east corner of allotment number four; thence on the west by the east boundary of allotment number four bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing south eighty-four degrees six minutes east two hundred and thirty links to west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred and one and one-half links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number two, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-four perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number two; and bounded on the west by the east side of Watt-street bearing north six degrees thirty minutes east sixty-eight links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and eighteen and one-half links; thence on the east by the west boundary of allotment number one bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by the north boundary of allotment number four bearing north eighty-three degrees fifty-five minutes west two hundred and twenty links, to the point of commencement.

All that piece or parcel of land forming part of original Government allotment number one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-nine perches: Commencing on the western side of Pacific-street at the south-east corner of allotment number one; and bounded on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east sixty-six and three-quarter links; thence on the north by a line bearing north eighty-four degrees nine minutes west two hundred and thirty-seven links; thence on the west by a line bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by a line bearing south eighty-four degrees thirty-four minutes east two hundred and thirty-four and one-quarter links, to the point of commencement.

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1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

HUNTER-STREET NEWCASTLE EXTENSION BILL.

THURSDAY, 15 MARCH, 1888.

Present:—

MR. CREER,		MR. ELLIS,
MR. HENRY CLARKE,		MR. FLETCHER,
	MR. SLATTERY.	

J. FLETCHER, Esq., IN THE CHAIR.

Ernest Broad, Esq., appeared as Solicitor for the Bill.

Henry Buchanan, Esq., called in, sworn, and examined.—

1. *Mr. Broad.*] I believe you are the Mayor of Newcastle? I am.
2. How long have you been an alderman of Newcastle? About four years altogether.
3. Do you know whether the object proposed in this Bill, namely, the extension of Hunter-street, has been long before the Corporation? It has been before the Corporation off and on for the last ten years. They have been trying to arrange to get this street through.
4. I believe the post-office, the court, and the banks are all situated close to the present terminus of Hunter-street? Yes.
5. If the street were extended in the way proposed by this Bill much easier access to these institutions would be afforded to a great number of the inhabitants? Yes.
6. What course at present do persons residing near the sea take to reach these public buildings? They have to go round by Scott-street.
7. That is a much longer distance round? Yes. The first block of land we seek to take the street through is 11 chains by 5 chains in extent.
8. Referring to the plan appended to the Bill, what is the block marked deep red at the end of the plan? Those are buildings on the proposed extension.
9. Where does the drainage from these buildings go to? It makes its way down into the centre of the block which we propose to open, the block marked deep red. The centre of this block is much lower than Watt-street.
10. If the proposed extension were carried out, would the Corporation be able to devise a better system of drainage? Yes.

H. Buchanan,
Esq.
15 Mar., 1888.

H. Buchanan, Esq. 11. Has the Corporation received any medical report as to the insanitary condition of this locality? Yes. I have two reports on that subject, one from Dr. John Harris, and the other from Dr. Beeston. They are as follows:—

15 Mar., 1888.

Newcastle, 13 March, 1888.

HAVING been practising in Newcastle since 1875, I have repeatedly observed that the site of the proposed extension of Hunter-street, between Watt-street and Pacific-street, is one of the most unhealthy spots in this city, owing to the fact that it is a hollow which is completely without drainage. It is, moreover, the site of several miserable tenements, which are built in lanes or back yards, and which should not be inhabited by human beings.

For several years I have recommended any patient of mine living there to remove at the first available opportunity. If it were only to get rid of this abomination, the extension of Hunter-street is advisable; but, in addition, it will give facilities for draining the surrounding houses, which is, indeed, badly needed. On sanitary grounds, I consider the extension of Hunter-street will be of the greatest value.

JOHN HARRIS, M.D., &c.

His Worship the Mayor of Newcastle,—

Watt-street, Newcastle, 14 March, 1888.

In answer to your request that I should report on the proposed extension of Hunter-street, I have to state that in my opinion the proposed Act, if carried out, will be one of the greatest boons we have had in the city, looking on it merely in a sanitary point of view.

Last year, when typhoid fever was so prevalent here, the greater part was located in and around the district which this extension purposes opening up.

The city would also get the benefit of the sea breeze in its purity, without having, as at present, to be satisfied after it has passed over the present unhealthy area.

I am, &c.,

JOSEPH L. BEESTON, L.K.Q.C.P.I., &c.

12. Has a valuation been made as to the probable cost of the resumption of this land required for the purpose of the extension? Yes.

13. What is the amount of that valuation? About £33,000.

14. Notwithstanding this probable cost the council are of opinion that it is their duty to go on with the scheme? Yes. The council are convinced that it will be a benefit to the city, by improving its sanitary condition, and by affording better ventilation by allowing fresh air from the sea to go right through Hunter-street.

15. And it will provide direct access from the most important street of the city to the sea-shore? Yes.

16. *Mr. Ellis.*] Will the cost be £33,000 after you have carried out the scheme in its entirety, after the resumption and resale of the land? No; that is only the cost of the resumption.

17. Then you are not taking into consideration what you are going to get back? No.

18. *Mr. Broad.*] How do the council propose to raise the necessary funds for this resumption? We ask in the Bill for permission to borrow the amount until we repay it from the sale of the frontages to the street.

19. They also ask in the Bill for power to resume more than is actually required for the purpose of this extension, with the idea of reselling the land at each side of the proposed street? That is the object; but at the same time the lines of the allotments do not go on a line with the street, and by taking the street through it would leave but a very narrow allotment on each side.

20. But still there would be portions of land left not required for the scheme, and which you could resell? Yes.

21. And you think at a profit—something that would go in reduction of the cost? We do not expect any profit so long as we carry out the scheme.

22. I understand that it will be necessary to take up the gas and water pipes in Pacific-street, Telford-street, and Lane-street? Yes, and also to take up and relay the gutters.

23. And you are prepared to compensate all the owners of private lands for any land you may resume or any injury done to their adjoining properties? Yes.

24. *Mr. Ellis.*] With regard to the £33,000, has there been any calculation made as to what it will really cost the borough after the resale of the resumed lands? There has not been any estimate made of the length of the street which is to be made.

25. You expect the cost primarily to be £33,000; how much do you expect to get back? I could not say.

26. There has been no calculation made? No; it would all depend upon the price the land would bring.

27. Is the reserve marked on the plan through which the proposed street will run a Government reserve? Yes. It is the old night-soil paddock.

28. Is it vested in any trustees or reserved for any particular purpose? I could not say.

29. Has the Government been communicated with with regard to the right to go through this reserve? I was not in office when it was applied for, and I do not know.

30. *Mr. Creer.*] Hunter-street is the main business street of Newcastle? Yes.

31. And there is no doubt that if this proposed extension is made it will become a portion of the principal street of Newcastle? Yes.

32. And business places being built upon it the outlay will be recouped in the shape of rates in a few years? The rates would meet the outlay for making the street in a very short time.

33. *Mr. Ellis.*] What about the frontages that will be created when the street is carried through the Government reserve? We ask for power to resell the other frontages in order to recoup the citizens the £33,000, but I do not think we should have any power to resell the frontages of the reserve.

34. I am asking what your idea is as to what should be done with those frontages? My idea is to make a reserve of them, to continue the land as a reserve, and also to carry the bus stand there.

35. Has night-soil been deposited on this reserve lately? No; not for eighteen months. It is grown over with grass.

36. *Mr. Slattery.*] What is the distance from Hunter-street to Zaara-street? 17 chains.

37. Are the mayor and all the aldermen of Newcastle unanimously of opinion that this land should be broken up and the extension of the street carried on? There is only one dissentient in the council.

38. How many members of the council are there? Twelve.

39. So that eleven are in favour and one against the proposal? Yes. He is not against opening the street; he is only against the way in which we ask that it should be done.

40. You as mayor and ten aldermen besides are in favour of the extension, and the one objecting councillor is not opposed to the opening of the street, but takes a different view as to how it should be done? Yes.

41. *Chairman.*] I think you said that Hunter-street was the main street of Newcastle? Yes.

42. Do you know of your own knowledge whether there has been a strong agitation on the part of the citizens of Newcastle for years past to get Hunter-street continued to the beach? Yes; there has been such an agitation.

43. Is it the general opinion that by continuing Hunter-street from its present terminus to the beach the health of the people of Newcastle would be promoted? Yes, this is the opinion of the citizens, and also of the medical officers residing there. H. Buchanan,
Esq.
15 Mar., 1888.
44. It is proposed to take a larger area of ground than is required for the street—do I understand that the reason of that is that there will be several narrow strips left, and the council, in order to deal fairly with the land-owners, propose to take in this particular block so as to continue the street straight, and also to prevent injustice being done to the landowners? That is the intention.
45. With regard to the Government reserve, I understand you to say that you only seek to put the street through it, and that it is the intention that the severed portions on either side should still continue a reserve? Yes, that is the intention of the council at the present time.

Edward Scott Holland, Esq., called in, sworn, and examined:—

46. *Mr. Broad.*] You are town clerk of the Borough of Newcastle? Yes. E. S. Holland,
Esq.
15 Mar., 1888.
47. How long have you occupied that position? Twelve years.
48. How long has this question of extending Hunter-street been before the council in any definite shape? About ten years.
49. Do you think that the necessity for the extension has in that time increased to any appreciable extent? Yes, it has.
50. In what way do you think the proposed extension will principally benefit the inhabitants of the borough? It will benefit them in a sanitary point of view.
51. And in any other way? By providing a direct outlet to the sea.
52. Is it proposed to effect improved drainage? Yes; when this extension is made it is proposed to carry the whole of the drainage from that locality into the sea.
53. Would there be a much easier access from the beach to the principal street of Newcastle? Yes; there would be a direct route right through.
54. The principal public buildings, I believe, are situated in Hunter-street? Yes; the banks, the court-house, the post-office, and many others.
55. Is there any considerable population down by the beach who would be benefited by the extension? There are many building sites which will be utilized as soon as this extension is carried out.
56. And the value of these building sites would of course be much enhanced by the formation of the street? Yes, considerably.
57. If this Bill passes, do you think the council will be able to dispose of to advantage what may be called the surplus land that would be acquired under it? Yes, I think so.
58. Would the sale of that land in any measure recoup the council for the outlay? Yes, I think it would recoup the council.
59. *Mr. Ellis.*] Was any objection raised in the council to resuming more land than was absolutely necessary for the street? The question was carried in the council almost unanimously.
60. That you should resume land on each side of the street? Yes, on each side.
61. Was that question raised in the council? It was mentioned in the speech of one of the aldermen.
62. Was it debated? There was some slight debate upon it—some reference to it.
63. You are aware that the proposal is to take more land than is absolutely necessary for the street? Yes.
64. And when the proposed extension was agreed to by the council this fact was distinctly before the aldermen? Yes; it was mentioned by one of the aldermen in his speech.
65. Was it distinctly before them and debated? Yes, it was.
66. *Chairman.*] You are aware that a petition has been presented to the Legislative Assembly against the passing of this Bill? Yes, I have heard of it.
67. Do you know the contents of that petition? No.
68. You are aware, I presume, that it asks the Legislature to reject or amend the Bill? I was not aware that the petitioners wished to amend the Bill in any way.
69. Have you, as council clerk, a reasonable opportunity of ascertaining the feeling of the citizens outside the council in this matter? Yes, I have.
70. Have you good reasons for believing that a large majority of the people are in favour of the continuation of Hunter-street? Yes, a very large majority.
71. Has the council received any notification from the citizens, by petition or otherwise, against the powers sought under this Bill? None whatever.
72. Then I understand you to convey to the Committee the opinion that the council are in accord with the people in seeking to get this Bill passed through Parliament? Yes.
73. *Mr. Creer.*] You remember that this matter was brought before the council at least ten years ago? Yes, about ten years ago.
74. Do you recall the reasons why at that time the council could not purchase the first block—Croasdill's block? I think it was on account of the exorbitant demand made for the land at that time.
75. Do you remember if any objection was made by their agent on the ground that they could not sell as they had no power under the will of the late Mr. Croasdill? There was something about not having power to sell, and the family were very much scattered, and there was no real power to part with the land.
76. *Chairman.*] Then, are the Committee to understand that in consequence of the will of the late Mr. Croasdill, preventing the trustees from selling this land, the Municipal Council require the Bill, as the only means by which to resume the land, and get this street through? Yes, it is the only means.
77. I believe that so far as the council are aware there can be no sale until the children are of age—Mr. Cann's children? Yes; that is a back block through which the street will pass.
78. Am I correct in saying that some of the children are only six years of age? Yes; they are very young.
79. Then the council are of opinion that if they were to wait until the young children became of age this land might at that time be very much enhanced in value with buildings upon it, so that the continuation of the street would be almost impossible? Yes; it would be impossible under the circumstances, except at an enormous cost.

- E. S. Holland, Esq.
15 Mar., 1888
80. *Mr. Ellis.*] Do you know anything about any negotiations, or attempted negotiations, with the Croasdill family in which they were content to give the council what land is required under this Bill, if, in return, they got the frontages facing the reserve; do you know anything about any negotiations of that sort? Only in the shape of a conversation; no application to the council has been made.
81. Would the council have power to enter into any negotiations of that character? I do not think so.
82. The reserve is a Government reserve, and the council have no control over it? Yes.

Lancelot Alexander Wilkinson, Esq., called in, sworn, and examined:—

- L. A. Wilkinson, Esq.
15 Mar., 1888.
83. *Mr. Broad.*] I believe you are the surveyor who was employed by the borough council to make the survey for the purposes of this Bill? Yes.
84. The coloured plan attached to the Bill is a correct plan of your survey? It is a lithographed copy of my plan; I believe it to be correct.
85. Do you hand this plan into the Committee as an exhibit? Yes.
86. What is the nature of the land on each side of the proposed extension after passing Zaara-street;— is any of it suitable for building purposes? It would be. The land on the left-hand side would be a magnificent site for building purposes.
87. And, in your opinion, would the extension of Hunter-street in the direction proposed enhance the value of this land for building purposes? Yes, it would.
88. Would the construction of these works in any way interfere with the traffic of the borough in these cross streets while they were going on? No; I do not think they would materially interfere with the existing traffic.
89. And you think that the whole of the works proposed by this Bill could be compensated for by money payments—that is to say, that no injury would be done that money could not compensate? I do not think there would be any extraordinary injury.
90. *Chairman.*] Would any damage be done that money could not compensate? No, not that I am aware of.
91. You are aware that the council are asking for power to take more land than is necessary for street purposes. When making your survey, did you pay any particular attention to the system of drainage as it then existed? No; I did not pay particular attention; I observed it in a casual sort of way.
92. Were there any sanitary arrangements for surface or other drainage? Between Watt-street and Pacific-street the drainage was very bad, and most offensive.
93. According to the plan, it is in this particular section that the population is mostly located at the present time? Yes.
94. You say that the drainage there is very defective? Very defective, in fact there did not seem to be any drainage at all.
95. Is the drainage from the dwellings, consisting of house slops, &c., allowed to find its way off the ground the best way it can? Yes; it is only taken away by evaporation and what slight soakage there may be.
96. Are you aware that it is the intention of the council when constructing the street to make proper sanitary arrangements? I believe they intend to take steps to bring this locality into a healthy state.
97. You say that from your observation you believe that this street will be a great advantage to land-owners through whose property it is proposed to carry it? Yes; it will be a great advantage to these people, and it will give a quicker access to the town.
98. Is it your opinion that the continuation of this street from Watt-street to the ocean will be an advantage to the citizens generally? Yes, I think it will be a very great advantage to the whole city.
99. You are aware that a larger area of land is asked for than would be required for the formation of the street? Yes.
100. Is it a fact, according to your plan, that by merely taking the strip of land required for the street, say a chain wide, the result would be that narrow strips of land would be left along the side of the street? Yes.
101. Properties would be left very narrow, and in some instances almost three-cornered in shape? They would be narrow strips. There might be some variation in shape, but they would not be exactly three-cornered.
102. I understand you to say that if you had only taken the width of the street you would have left very narrow strips in many allotments, and thus injured the property-owners very considerably? Yes; it would have rendered some quite useless.
103. *Mr. Slattery.*] They have no drainage at the present time, and then they would have perfect drainage? Yes.
104. *Mr. Ellis.*] What would be the width of the strips on each side? Some of them would go about 19 feet. They would be 19 feet by 160 feet.

John Frogley, Esq., called in, sworn, and examined:—

- J. Frogley, Esq.
15 Mar., 1888.
105. *Mr. Broad.*] You are a land valuer? Yes. I am a builder and contractor, and land valuer for the Municipal Council of Newcastle.
106. Acting under instructions from the council, did you in May last make a valuation of land which is proposed to be resumed by the Bill now before the Committee? Yes.
107. Is this a copy of the valuation which you made? Yes, it is a true copy.
108. The total amount of the valuation there stated is £32,777? Yes.
109. Is that a fair and just valuation according to your belief? Yes, at market rates.
110. And in your opinion the council will not be called upon to pay a larger sum than the amount of the valuation? Not for the land and properties.
111. Not in the aggregate? No.
112. Do you think that the amount which you have put down would amply compensate the persons whose land was taken? Yes; we made a very good allowance. There was some land sold, about 200 feet from this land, in Watt-street for £30 a foot. We have allowed these people £60, and we have made a similar allowance in proportion all through.
113. And you have taken into consideration what you may call contingent damages. You have not put a hard-and-fast sum. You have allowed ample for anything you consider they could possibly claim? Yes.

114. Do you put your valuation in as an exhibit? Yes. (*Appendix A.*)
 115. *Mr. Ellis.*] You have had considerable experience in Newcastle in valuing property? Yes.
 116. You have been a resident of Newcastle for a good many years? For twenty years, and I built a great part of it.
 117. *Chairman.*] Do I understand that the valuation you have given is more than the property would realise at public sale by auction? Yes; it is slightly above what it really should be, so as to make sure that there would be no after consequences.
 118. *Mr. Ellis.*] You think the valuation is slightly above what the property would fetch? Yes.

J. Frogley,
Esq.
15 Mar., 1888.

THURSDAY, 22 MARCH, 1888.

Present:—

MR. HENRY CLARKE, | MR. CREER
MR. ELLIS.

J. FLETCHER, ESQ., IN THE CHAIR.

Earnest Broad, Esq., appeared as Solicitor for the Bill.

H. J. Brown, Esq., appeared as Solicitor for the Petitioners against the Bill.

Henry Joseph Brown, Esq., sworn and examined:—

119. *Chairman.*] What are you? I am a solicitor, residing at Newcastle, and solicitor for the Petitioners against this Bill.
 119½. Will you state to the Committee the objections which the Petitioners have to the Bill? The Petitioners are Messrs. Charles Sweetland and William Howard Greenway, who are trustees of land which will be affected by the Bill. They are trustees of the pieces of land marked on the plan No. 4 and No. 6 William Croasdill, and No. 3 Edward Davis. They are trustees for the daughters of the late William Croasdill, one of whom, Mrs. Frances Grime, is in Newcastle. My clients do not object to the street being carried to a certain distance, that is to say, as far as Zaara-street, but they do object to any land on either side being taken by the council compulsorily for purposes of speculation. The Bill deals with two sets of reserves—one set vested in the council, and the other set still apparently vested in the Crown. The Bill does not empower the council to sell the land on either side of the part of the street that goes through the reserve vested in them, but it gives power to take and sell on either side of the part going through the Crown reserve leading down to the water's edge. Supposing this were done, and the council made the road and sold the land on either side, it would practically form a barrier in the middle of the most important place of recreation belonging to the Crown. The part shown on the plan as the site of the old gaol has a precipice of about 50 feet at the front, facing the sea, and is very precipitous on either side, and, in fact, is so within a few feet of where the edge of the proposed road would go. There is also a very steep ascent to it from about Zaara-street. I think, therefore, that if the street were carried simply to Zaara-street and there stopped, it would be as far as it should go in the public interest; there would be a danger of sand-drift if it went further. There is a mistake in the Bill in speaking of Lane-street, where, I suppose, Zaara-street is meant. There has been a subdivision of the block between Telford-street and the reserve, and if an additional chain on either side, as proposed, be given, there will be portions of each block there left on the hands of the original owners. I think also that the owners of the land proposed to be taken ought to have some notice given to them. The Bill does not provide for any such notice. The Bill does not provide for consequential damage; it simply provides for payment for the land taken, but not for damage to any building or any other injury that may be sustained by the land at either side. I think that the council ought not to be allowed to take possession before they pay for the land, and this, I believe, is the usual custom in such cases. As it is, the property of my clients is the only place where there are houses, and the council might be for twelve months in possession of the rents, and my clients be without their money. There would have to be some other alterations in the framing of the Bill to meet the case. The 2nd clause provides as follows:—"That the said council shall at their own expense replace and restore the said pavements, gutters, pipes, and mains after the construction of the said new street." Well, they might not do that for years. I think also that the provision in the 4th clause that the street should be "open and dedicated" ought to be amended, and the words "fit for traffic within eighteen months" substituted, because the houses might be pulled down and the place left waste for an indefinite time. The clause states, "upon its completion, or within twelve months," but the land may be open and dedicated, but the street may never be completed. There is also a little matter with respect to arbitration. There is no provision as to what shall be done in case both arbitrators should fail to make their award within a given time; that is a matter which ought perhaps to be seen to. There are many clauses having reference to arbitration, but this is not among them. Then, in clause 15, there is an apparent inconsistency. The clause states:—"All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the council, unless the arbitrator shall award the same or a less sum than shall have been offered by the council, in which case each party shall bear his own costs incident to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal portions." I do not know what distinction there can be between the cost of arbitration and the costs of the arbitrators, unless the arbitrators' fees are meant, and these, of course, would naturally be part of the arbitration expenses. I think that the words in the latter part of the clause should be struck out. Perhaps it would be better to strike out the arbitration clauses, and simply say that the arbitration should be in accordance with the Arbitration Act. Clause 22 gives the council power to purchase any lands adjacent to the lands included in the schedule. This, of course, would come in with the objection to their taking any land at all for selling purposes. If the Committee think that they should have power, then perhaps it will be as well to leave it in, because otherwise there might be little bits which might be left on the hands of the original owners. I notice that although it is professed that power is not required to sell any part of the public reserve vested in the council, yet the plan shows the full width through these reserves as well as through other places—the width of the street, and the chain on either side—as shown in this plan of Newcastle, which I hand in to the Committee as an exhibit.

H. J.
Brown, Esq.
22 Mar., 1888.

H. J.
Brown, Esq.
22 Mar., 1888.

120. Do I understand that your clients merely object to resuming more land than is required, or do they object absolutely to the construction of the street? They do not object to the construction of the street if it is considered to be in the public interest that it should be constructed; but they object to more land being taken than is required for the work.

121. If no power is given to take more land than is required for the street, is it not probable that narrow strips will be left on either side which will be virtually useless? I am not sure. That might obtain, no doubt, in some cases, but, on the other hand, by taking the chain on either side, as proposed, the difficulty comes in again. There will be about 25 feet frontage to Watt-street on one side, and, I suppose, about 41 feet on the other.

122. If the council only take 1 chain, the value of the remaining portion of the property on each side of the street would, I presume, be enhanced? It might, or it might not. If it were it would be so much the better for the owners, and so much the better for the council, because the council would then get heavier rates; and inasmuch as there are some valuable houses all along this frontage, the more land you take the more houses you pull down, and the more people placed in difficulties to find a place to go into.

123. Then, as a resident of Newcastle, and one who thoroughly knows the locality, is it your opinion that the requirements of the public would be met by taking only 1 chain? I think so. I think they would be better met.

124. *Mr. Creer.*] There is nothing in the Bill which makes it compulsory that the council should take 3 chains? The third clause states:—"The lands described in the first schedule hereto, and delineated on the plan in the second schedule hereto, with such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said street, shall, by virtue of this Act, and without the necessity of any conveyance, be vested in the said council and their successors in office in fee-simple upon the passing of this Act."

125. But that could be met by saying "or any portion thereof"? No; you would have to specify the quantity to be taken, otherwise there would be uncertainty as to the extent of the land the council would take.

126. *Mr. H. Clarke.*] Are you clearly of opinion that it would not be desirable to resume any land beyond that actually required for the extension of the street? Yes, and as far as Zaara-street only.

127. *Mr. Ellis.*] Under this Bill, would the council have power to sell the frontages on each side of the reserves? Yes, singular to say, they would have power to sell the portion of the reserve which is still vested in the Crown, but would have no power to sell the portion of the reserve vested in themselves.

128. *Chairman.*] In what part of the Bill is this provided? Clause 27 gives the council power to sell any lands they may have purchased under this Bill, and that they do not require for the new street. Clause 28 gives the council power to lease these lands, and clause 29 provides that the powers to sell given in the 27th section should extend to the Crown Lands. Then clause 30 says:—"The powers of sale and demise contained in the twenty-seventh and twenty-eighth sections shall not extend to the lands which the council holds for public purposes." Therefore, under these provisions the council would have no power to sell the portions of their own reserves.

The Rev. Sydney Calvert Jackson Grime called in, sworn, and examined:—

Rev.
S. C. J. Grime.
22 Mar., 1888.

129. *Mr. Brown.*] Your wife is interested in a portion of the land proposed to be resumed by the Newcastle Municipal Council for the purpose of extending Hunter-street? Yes.

130. Do you know the views of the other ladies who are interested in the subject? No, I do not.

131. But so far as your wife and yourself are concerned, what are your views? That the street should go through, but that we should not be losers so far as compensation is concerned.

132. You object to the Municipal Council taking the whole of your property? Yes.

133. Do you think that it would be in the public interest that the street should be extended right down to the water's edge, as shown on the plan? Certainly not.

134. How far do you think the street should go, in the public interest? I think as far as Zaara-street, where it impinges upon the beach.

135. From Zaara-street to the place marked on the plan as the gaol, is there any incline? Yes, there is a considerable incline. It is very steep.

136. What is the nature of the land? It appears to me to be almost conglomerate. I do know whether it is on account of anything that has been placed there in later years, since the gaol was built, but it is of a very rough nature.

137. Any sand? No; I did not see any sand.

138. Not on the hill? No; not as far as I remember, not on this side.

139. Supposing the street to the width of a chain went through your land, could you say how much would be left on either side? As far as I remember, about 25 feet on the one side and 41 feet on the other.

140. And that would be useful for building purposes? Yes.

141. Then as long as the street is only made to this distance you will have no objection to the passing of this Bill? None whatever.

142. Are you desirous that the street should go through? Yes.

143. You think it would be a good thing? I think so.

144. *Chairman.*] You say you think it would be a good thing if the street went through this particular property? Yes.

145. And your only objection to the proposal is owing to their desire to take more land than is actually required for street purposes? Yes.

146. If they contented themselves with only taking a chain wide your objections on behalf of yourself and your wife would cease? Yes.

147. You say that in your opinion Hunter-street should only be continued as far as Zaara-street. Why should it not go to the beach? Simply because you would have to go over a large hill, or else tunnel through it, and that portion of the hill, I am given to understand, is a reserve, and the proposed street would divide that reserve which at the present time is for the use of the people, and would run right round as far as the fort. The street would run right through that particular reserve, which is a reserve on the side of the beach. I do not think that would be advisable.

148. You say it is very rough and steep before coming to the reserve. Do you think that all things being equal, if the council saw its way clear to make a passable road beyond Zaara-street it would not be desirable to go closer to the beach? No; I certainly do not think so.
149. *Mr. Broad.*] Do not the Government contemplate making a drive round this hill? I have heard so.
150. And this street, if extended, would intersect that drive? Zaara-street would be almost on the drive.
151. But if the street were extended across to where the goal site is, would it not intersect the Government drive, and so be a convenience to the people? No; I do not think it would be any public convenience.
152. In what way would the public be injured if the council saw their way clear to make a road through? They would intersect the reserve, which is now a reserve for the public, I believe extending right round the coast.
153. But the street would merely intersect the Government drive? Yes, but it would go through the Government reserve.
154. But the Government are going to make a drive round the reserve, how would it injure the public if there was another road to intersect the Government drive? There is no necessity for it, because if you take a direct line you will find that at Zaara-street the road line is almost impinging upon the beach, therefore that point seems the natural terminus of the street, without going over the hill, which is high, and, I think, rather an ornament to the coast-line.
155. *Mr. Brown.* Have you gone to the extreme point of this hill? Yes.
156. Can you say whether it has a gentle slope or is precipitous? It appeared to me to be rather precipitous.
157. *Chairman.* Could not the sand be filled up and the size of the reserve increased considerably if the council had power to go down there? It might be so.
158. *Mr. Ellis.*] There is a certain amount of danger in interfering with natural land marks on the coast? Yes; that is one of my reasons for mentioning it. I do not think that it is advisable to interfere with the natural formation of the coast, because we might have what we have had in another place at Newcastle—a sand-drift.
159. *Chairman.*] I presume that you have no other reasons than those you have mentioned for objecting to continuing the road beyond Zaara-street? No.

Rev.
S. C. J. Grime.
22 Mar., 1888.

Charles Sweetland, Esq., called in, sworn, and examined:—

160. *Mr. Brown.*] You are manager of a bank at Newcastle? Yes.
161. And one of the trustees for the daughters of the late William Croasdill, owners of the land, part of which is intended to be resumed under this Bill? Yes.
162. Have you, as a trustee, any objection to sufficient land being taken for the continuation of the street? No.
163. Do you object to any more land being taken? Yes.
164. How far do you think it would be prudent, in the interests of the public, to carry this street; do you think it would be prudent to carry it to the water's edge? No; I think that if it was carried as far as Zaara-street it would be quite sufficient.
165. It would then impinge on the beach? Yes.
166. Have you noticed what the incline is beyond Zaara-street to the top of the Gaol Hill? Yes; but I do not know the exact height. It is very considerable.
167. Have you noticed the sea side of the hill? Yes; frequently.
168. Is that steeper than the other? Yes.
169. Would it be possible to take a road down that side of the hill? Oh, no. You might go through the hill, but certainly not down the hill.
170. Assuming that the street were extended only to Zaara-street, and proper compensation paid, you would have no objection, as a trustee, to this Bill? No.
171. But as a trustee you feel it your duty to object to more land being taken than is required for the street? Yes; I object to more land being taken than is required for the street.
172. *Chairman.*] I understand that you are speaking as a trustee? Yes.
173. In what way can the land of which you are a trustee be affected by continuing the street beyond Zaara-street? It cannot be affected by carrying the road beyond Zaara-street; that is, I suppose, a matter of public interest. The only thing I am interested in is the street through the estate.
174. You speak as trustee of the estate? Yes.
175. But I understood you to object to an extension of the street beyond Zaara-street? No; I did not. I was only asked what I thought.
176. Then do I understand you to say that if the council only resumed the 66 feet for road purposes through the estate of which you are a trustee you would have no objection to the street being so made? No, no objection; provided, of course, compensation were given.
177. *Mr. Creer.*] Do you not think that if the street were carried to the hill steps could be made down to the beach? You can make a ladder anywhere.
178. Do you not think it is advisable that there should be some outlet to the beach? Yes, I think it is.
179. I believe there is no outlet to the beach from Scott-street? No.
180. Nor from King-street? No.
181. Nor, in fact, from any other street in the city? No.
182. Do you not think that if the road were carried down to the beach an outlet would be afforded to crowds of people on holidays, and that it could be made in such a way that while affording easy access it would beautify the city, and be a considerable advantage in connecting the beach with the main street of Newcastle? Yes, I think it would.
183. *Mr. Ellis.*] Then why do you think that the street should not go further than Zaara-street? On the ground of economy. I did not see how they were going to build a street over a hill 50 ft. or 60 ft. high.
184. Then did you consider that the outlet from Zaara-street would be sufficient? Yes, I thought so then, but of course if they chose to expend money to go over the top of a mountain and down to the beach it would be a question for the Corporation to take into consideration.
185. You do not think any public evil would result by doing so, that it is only a matter of expense? That is all. It has been said that the sand might drift in there, but I do not think anything of that.

C. Sweetland,
Esq.
22 Mar., 1888.

C. Sweetland, 186. *Mr. Broad.*] It was stated in evidence that the drainage of the property of which you are trustee was very defective. If the street were extended as proposed would it not enable the council to materially improve the drainage of the locality? That is a matter for a skilled man to say.
 22 Mar., 1888. 187. Is not the drainage very defective there? No; it is very good at present. At one time it was defective.

APPENDIX A.

[*To Evidence of John Frogley.*]His Worship the Mayor,—
Sir,

Newcastle, 16 May, 1887.

In accordance with your instructions, we have made a valuation of the land and property which would have to be resumed by the proposed extension of Hunter-street to the sea.

The extent of land to be resumed is 3 chains wide, from the east side of Hunter-street to the sea.

VALUATION.

	£	s.	d.
198 feet of land, having a frontage to Watt-street, at £60 per foot	11,880	0	0
Improvements thereon	5,350	0	0
198 feet of land to Pacific-street, at £22 per foot	4,356	0	0
Improvements thereon	925	0	0
198 feet of land fronting Telford-street, east side, at £15 per foot	2,970	0	0
198 feet frontage of land to Telford-street, west side, at £15 per foot	2,970	0	0
198 feet frontage to Zaara-street, west side, at £14 per foot ..	2,772	0	0
111 feet frontage to Zaara-street, east side, at £14 per foot ...	1,554	0	0
	<u>£32,777</u>	<u>0</u>	<u>0</u>

JOSEPH CREER, } Valuators.
 JOHN FROGLEY, }

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HUNTER-STREET, NEWCASTLE, EXTENSION BILL.

(PETITION AGAINST—REV. S. C. J. GRIME AND OTHERS)

Received by the Legislative Assembly, 7 March, 1888.

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

The Humble Petition of the Reverend Sydney Calvert Jackson Grime, and Frances, his wife, and William Hazard Greenway, and Charles Sweetland, all of Newcastle,—

RESPECTFULLY SHOWETH:—

1. That a Bill has been introduced into your Honorable House to enable the Borough of Newcastle to construct a street continuing Hunter-street in that Borough, from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands, and to raise certain loans.

2. That your Petitioners are interested, either as trustees or beneficiaries, in certain of the lands proposed by the said Bill to be taken for the construction of the said street and for the purposes of lease or sale.

3. That your Petitioners do not object to sufficient land being taken from them for the construction of a street, should it be considered desirable to do so in the public interest, yet they respectfully urge that it is unjust and contrary to public policy that any Borough Council should be authorized to take lands against the will of the owners simply for the purpose of selling or otherwise dealing with the same, or to expend the ratepayers' money for any such purpose.

4. That the said Bill makes no proper provision for the speedy payment of any compensation to be awarded to the owners of land taken, and your Petitioners respectfully submit that the said Bill should be so amended as to require payment for land taken to be simultaneous with taking possession, otherwise your Petitioners may not only lose the rents of their land on which several buildings are erected, but may also lose for an indefinite time interest on the purchase money.

Your Petitioners therefore humbly pray that your Honorable House will be pleased either to reject the said Bill or to amend the same by restricting the quantity of land to be taken under its provisions to sufficient for the construction of the said street, and by making better provision for securing the due and prompt payment of the compensation payable thereunder.

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

W. H. GREENWAY,
CHAS. SWEETLAND,
SYDNEY C. J. GRIME,
FRANCES E. GRIME.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HUNTER-STREET NEWCASTLE EXTENSION BILL.

(PETITION IN FAVOUR OF—RATEPAYERS, NEWCASTLE.)

Received by the Legislative Assembly, 7 March, 1888.

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

The Petition of the undersigned Ratepayers in the Municipality of Newcastle, in the Colony of New South Wales,—

HUMBLY SHOWETH:—

1. That there is now a Bill before your Honorable House having for its object the resumption of certain land, in order that a street at Newcastle, called Hunter-street, may be extended in the direction of and as far as the shore of the Pacific Ocean.

2. That the opening up of such extension will afford facilities for the better drainage of a considerable block of land thickly populated in the Municipality.

3. That currents of air from the ocean, in the direction of Hunter-street (which is the main thoroughfare in the City) are now completely intercepted by the houses on the east side of Watt-street, on the site of the proposed extension, and the ventilation and sanitation of a considerable portion of the City is consequently interfered with.

4. That the proposed extension will start from the very centre of the chief public and Government buildings in Newcastle, including the Court and Custom Houses, the Banks of New South Wales, Australian Joint Stock, Commercial, New Zealand, London Chartered, Union, Australasia, Federal, and Government Savings Banks, and it will provide a most desirable outlet for the press of traffic in that neighbourhood, as well as a convenient approach to a great number of people.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to favourably consider their representations of the advantages which they respectfully submit will be obtained by the extension of Hunter-street, in the direction of the ocean, and the benefit that will accrue to the citizens of Newcastle by the passing of the abovementioned Bill.

And your Petitioners will ever pray.

(Here follow 174 signatures.)

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

HUNTER-STREET, NEWCASTLE, EXTENSION BILL.

(PETITION TO BE HEARD AT THE BAR OF THE HOUSE, BY COUNSEL OR ATTORNEY IN OPPOSITION TO—ALEX. O. GRANT.)

Received by the Legislative Assembly, 10 April, 1888.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales.

The Petition of Alexander Ogilvie Grant, residing at Parramatta, in the Colony of New South Wales, gentleman,—

HUMBLY SHOWETH:—

1. That there is a Bill now before your Honorable House, entitled a Bill to enable the Borough of Newcastle to construct a street continuing Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans.

2. That your Petitioner has presented to your Honorable House a Petition praying that such Bill may not receive the sanction of your Honorable House without such alteration therein as may secure to your Petitioner full protection for his interests and the interests of the tenants in remainder in the land proposed to be taken by the said Borough Council of Newcastle.

And your Petitioner humbly prayeth that your Petitioner may be heard at the Bar of your Honorable House by Counsel or by Attorney against the passing of such Bill, and in support of the objections raised by your Petitioner in the Petition already presented.

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

Parramatta, April, 1888.

ALEX. O. GRANT.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HUNTER-STREET, NEWCASTLE, EXTENSION BILL.

(PETITION IN OPPOSITION TO—ALEXANDER OGILVIE GRANT.)

Received by the Legislative Assembly, 10 April, 1888.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales.

The Petition of Alexander Ogilvie Grant, now residing at Parramatta, in the Colony of New South Wales, gentleman,—

HUMBLY SHOWETH:—

1. That it has come to the knowledge of your Petitioner that a Bill to enable the Borough of Newcastle to construct a street continuing Hunter-street from its present termination of the sea-shore, and for that purpose to acquire and resell certain lands and to raise certain loans is now before your Honorable House.

2. That your Petitioner is a life tenant of a portion of the land which the Borough propose by their Bill to acquire.

3. That part of the allotment number two of a subdivision of Newcastle has been leased by me to a Mr. Shedden, of which lease there was eleven years unexpired on the nineteenth day of January last.

4. That another portion of the same allotment is under lease to Mr. Sparkes for twelve years from the first day of January last.

5. That the Borough propose taking from lots seven and eight of said subdivision about twenty-one feet of land by which they would utterly spoil the premises known as the "Caledonian Hotel," now under lease to a Mr. David Beveridge, of which six years from the first day of April instant is yet unexpired.

6. That the back portion of said allotments seven and eight is on lease to Mr. Hooley for six years from the fourth day of October last.

7. That by the proposed purchase by the Borough of Newcastle of lots seven and eight the buildings of Beveridge and Hooley are rendered useless.

8. That the income derived from the property at the present time will, when the leases referred to run out be largely increased, and the value of the interest of the tenants in remainder greatly augmented.

9. That your Petitioner has reason to believe that the amount proposed to be raised and expended by the Borough of Newcastle for the purposes of the Bill will not enable the Borough to pay such an amount to your Petitioner for land severance compensation and compulsory sale as would yield him his full life interest, and provide for the tenants in remainder according to the full and fair value of the estate.

10. That your Petitioner has to preserve the interest of the tenants in remainder whose shares would be lessened in value by the proposed Acts of the Borough Council of Newcastle.

11. That no notice was given to your Petitioner or to his agent in Newcastle of the intention of the Borough to apply for such powers, and your Petitioner was only recently and accidentally made aware of the proposed damage to his property.

And for these and other reasons your Petitioner humbly prayeth,—

That the said Bill may not receive the sanction of your Honorable House without such alteration as may secure to your Petitioner the right of compelling the Borough Council of Newcastle to purchase all or so much of the several allotments as will not destroy the value of the land, and at such fair prices as may maintain for your Petitioner his income as life tenant, and protect the interests of the tenants in remainder who will take after him.

And your Petitioner, as in duty bound, will ever pray.
Parramatta, April, 1888.

ALEX. O. GRANT.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HUNTER-STREET, NEWCASTLE, EXTENSION BILL.
(PETITION AGAINST—ALEXANDER O. GRANT—AND PRAYING TO BE HEARD BY COUNSEL.)

Received by the Legislative Assembly, 17 April, 1888.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of
New South Wales.

The Petition of Alexander Ogilvie Grant, now residing at Parramatta, in the Colony of New
South Wales, gentleman,—

HUMBLY SHOWETH:—

1. That it has come to the knowledge of your Petitioner that a Bill to enable the Borough of Newcastle to construct a street continuing Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and resell certain lands, and to raise certain loans, is before your Honorable House.

2. That your Petitioner has presented to your Honorable House a Petition against the passing of the said Bill as it at present stands.

And your Petitioner humbly prayeth that your Petitioner may be heard by Counsel or Attorney before the Select Committee of this Honorable House appointed to report on the said Bill.

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

Parramatta, 14 April, 1888.

ALEX. O. GRANT.

1887-8.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
REPORT FROM THE SELECT COMMITTEE

ON THE

KIAMA TRAMWAY ACT AMENDMENT BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 *April*, 1888.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-S.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 61. THURSDAY, 1 MARCH, 1888.

11. KIAMA TRAMWAY ACT AMENDMENT BILL (*Formal Motion*):—Mr. Cameron moved, pursuant to Notice,—
- (1.) That the Kiama Tramway Act Amendment Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Sutherland, Mr. Teece, Mr. Fletcher, Mr. Barbour, Mr. Davis, Mr. Frank Farnell, Mr. Hugh Taylor, Mr. Martin, and the Mover.
- Question put and passed.

VOTES No. 75. TUESDAY, 10 APRIL, 1888.

9. KIAMA TRAMWAY ACT AMENDMENT BILL:—Mr. Cameron, 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 consideration and report this Bill was referred on 1st March, 1888, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

KIAMA TRAMWAY ACT AMENDMENT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 1st March, 1888, the "*Kiama Tramway Act Amendment Bill*," beg to report to your Honorable House :—

That they have examined the witnesses named in the List* (whose * See list, page 4 evidence will be found appended hereto); and that the Preamble, as amended, having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill, with an amended Preamble.

ANGUS CAMERON,
Chairman.

No. 3 Committee Room,
Sydney, 28th March, 1888.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 28 MARCH, 1888.

MEMBERS PRESENT :—

Mr. Cameron, | Mr. Fletcher,
 Mr. Teccc.

Mr. Cameron called to the Chair.

Entry from Votes and Proceedings appointing the Committee *read* by the Clerk.

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Present :—Thomas Marshall, Esq. (*Solicitor for the Bill*).

Thomas Marshall, Esq., sworn and examined.

Henry Frederick Noble, Mayor of Kiama, called in, sworn, and examined.

Room cleared.

Preamble considered, and amended.*

Question,—“That this Preamble, as amended, stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 to 8 read and agreed to.

Title read and agreed to.

Chairman to report the Bill with an amended Preamble to the House.

*See Schedule of
Amendment.

SCHEDULE OF AMENDMENT.

Page 1, Preamble, line 1, *before* “be” *insert* “Whereas an Act entitled the ‘Kiama Tramway Act of 1888’ was passed on the fourteenth day of April one thousand eight hundred and eighty-three: And whereas it is desirable to confer on the Borough Council of Kiama extended powers and to remove certain doubts as to the surface area occupied by the Tram lines on and along Terralong-street, Kiama”

LIST OF WITNESSES.

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1887-S.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

KIAMA TRAMWAY ACT AMENDMENT BILL.

WEDNESDAY, 28 MARCH, 1888.

Present:—

MR. CAMERON, | MR. FLETCHER,
MR. TEECE.

A. CAMERON, ESQ., IN THE CHAIR.

Present:—Thomas Marshall, Esq. (Solicitor for the Bill.)

Thomas Marshall, Esq., sworn and examined:—

1. *Chairman.*] What are you? I am a solicitor of the Supreme Court.
2. You are conversant with the provisions of the Bill now under consideration by the Committee? Yes.
3. The line of tramway to which that Bill refers is, I believe, laid down in the main street of Kiama? Yes.
4. And the Bill is rendered necessary to enable the Council to get the full working of the property already constructed? It is.
5. Will you explain to the Committee what the main necessity for the measure is? The principal Act empowers the Council to occupy a breadth of 9 feet in laying down the tramlines, but they have exceeded that area, and it is necessary to pass this Bill in order to extend the provisions of the original Act, as it is very doubtful whether, through their having exceeded the width allowed by the Act, they can legally run the trams. If an accident occurred probably the Council would be liable.
6. *Mr. Fletcher.*] Is it a single or a double line? They have laid a double line, but originally a single line was intended. It is only intended to use a single line. Sufficient width has not been allowed to enable the trams to pass.
7. What is the width? 9 feet is allowed by the original Act; 12 by this Amending Bill.
8. Has there been any objection offered to the Bill at all? No.
9. The people are in favour of it? Yes; they are clamouring for the Council to get it through, and to get the tramway into working order.
10. Is it the intention of the promoters of the original Act to alter the width of the gauge at all? No.
11. What is the gauge? I think it must be 3 feet 6 inches.

T. Marshall,
Esq.
28 Mar., 1888.

Henry Frederick Noble, Esq., called in, sworn, and examined:—

12. *Chairman.*] You are Mayor of Kiama? Yes.
13. And you attend here to-day representing the Municipal Council with regard to the Tramway Bill now before Parliament? Yes.
14. You are acquainted with its provisions? Yes.

H. F.
Noble, Esq.
15. 28 Mar., 1888.

H. F.
Noble, Esq.
28 Mar., 1888.

15. And it is absolutely necessary that the Bill should pass before the tramway can be brought into operation? Quite so.

16. An Act to authorize the construction of the tramway was passed some time ago, I believe? Yes.

17. Will you explain how it is that that measure is unworkable, and why it is necessary to pass this Bill? The original Tramway Act provided for the borrowing of a sum of money. The Council got an overdraft from the bank, and failed to borrow the money before the construction of the tramway. Then, when they came to borrow the money, they found that they could not do so under the original Act, as they ought to have borrowed the money for the construction of the tramway, and not to pay off an overdraft at the bank. That is one of the reasons. Another reason is that the trams in running on the line take up slightly more space than the original Act allows.

18. What is the gauge of the proposed tram now? 3 feet 6 inches, I think—a double line.

19. *Mr. Teece.*] Why do you wish to repeal the main portion of clause 6 of the original Act, having reference to charges? Well, the intention of the Council at the time of their getting the original Act passed was for the parties owning the quarries to find their own rolling stock and motor. We found that that would not work, and we then had a motor manufactured in England, and trucks made. There is only one person who owns a quarry of any importance at Kiama, and we do not want to work the line ourselves and charge a tonnage rate, but to let the motor and rolling stock for the conveyance of the metal. We do not want to work it, and we have not power, under the original Act, to let it.

1887.

(THIRD SESSION.)

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

LEICHHARDT COUNCIL CHAMBERS
 (MORTGAGE) BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
 15 *November*, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.
(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 23. TUESDAY, 8 NOVEMBER, 1887.

7. LEICHHARDT COUNCIL CHAMBERS (MORTGAGE) BILL (*Formal Motion*):—Mr. Hawthorne moved, pursuant to Notice,—
- (1.) That the Leichhardt Council Chambers (Mortgage) Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Garrard, Mr. Frank Smith, Mr. Barbour, Mr. Day, Mr. Colls, Mr. Sydney Smith, Mr. Stevenson, Sir Henry Parkes, Mr. Schey, and the Mover.
- Question put and passed.
-

VOTES No. 26. TUESDAY, 15 NOVEMBER, 1887.

9. LEICHHARDT COUNCIL CHAMBERS (MORTGAGE) BILL:—Mr. Hawthorne, 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 consideration and report this Bill was referred on 8th November, 1887, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
- * * * * *
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1887.

(THIRD SESSION.)

LEICHHARDT COUNCIL CHAMBERS (MORTGAGE) BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 8th November, 1887,—the “*Leichhardt Council Chambers (Mortgage) Bill*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose * See list, p. 4. evidence will be found appended hereto); and, the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

J. S. HAWTHORNE,
Chairman.

No. 3 Committee Room,
Sydney, 15th November, 1887.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 15 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. Hawthorne,	Mr. Garrard,
Mr. Stevenson,	Mr. Colls,
Mr. Barbour,	Mr. Day.

Mr. Hawthorne called to the Chair.
 Entry from the Votes and Proceedings appointing the Committee, read by the Clerk.
 Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Mr. Benjamin Robert Moore (*Mayor of Leichhardt*) called in, sworn, and examined.
 Witness withdrew.

Mr. Allen Maguire (*Council Clerk*) called in, sworn, and examined.
 Witness *produced* deeds of grant of the land described in the Schedule of the Bill.
 Witness withdrew.

Mr. Evan James Williams called in, sworn, and examined.
 Room cleared.

Preamble considered.

Question, "That this Preamble stand part of the Bill," put and passed.

Bill read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

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1887.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

LEICHHARDT COUNCIL CHAMBERS (MORTGAGE) BILL.

MONDAY, 15 NOVEMBER, 1887.

Present:—

MR. BARBOUR,
MR. COLLS,
MR. DAY,

MR. GARRARD,
MR. HAWTHORNE,
MR. STEVENSON.

J. S. HAWTHORNE, ESQ., IN THE CHAIR.

Benjamin Robert Moore, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are the mayor of the borough of Leichhardt? Yes.
2. You are aware that this Bill has been asked for by the council? I am.
3. Where do you hold the council meetings now? In a building on the Parramatta Road, which we rent from Mr. Macnamara.
4. What is the rental? £2 per week.
5. Is the building suitable for the purpose? Very unsuitable.
6. Your object in asking for the Bill is to erect premises which will be more suitable for the requirements of the borough? Yes.
7. Is this proposition approved by the council generally? By the whole council.
8. There has been no opposition to it? The whole of the aldermen signed the petition which was presented to Parliament.
9. You have already purchased the land? Yes; and paid for it.
10. Is the site suitable for the purposes of a town-hall? I do not think that there is any better around Sydney.
11. Have you heard of any opposition from the ratepayers to the proposal? None; mostly speaking they all approve of it.
12. You think that the erection of the building is likely to prove advantageous to the borough generally? Yes.
13. *Mr. Barbour.*] Are you able to pay for the building out of your funds at present? We are not.
14. How do you propose to raise the money? On the security of the land and buildings.
15. You think that you can obtain sufficient by mortgage of the land and buildings to pay for the cost of erection? Yes.
16. That mode of erecting the building is approved of by a majority of the ratepayers? Yes.
17. *Mr. Stevenson.*] How much do you propose to expend? About £6,000. The contract price for the building is about £5,600.
18. *Mr. Garrard.*] I understand that you are of opinion that the receipts from the hall and rooms will pay the interest on the loan? Yes. There will be a hall which will accommodate 800 people. Then there are lodge-rooms which I am sure, from what I know of the requirements of Leichhardt, will always be let.

B. R. Moore,
Esq.
15 Nov., 1887.

In

B. R. Moore, Esq.
15 Nov., 1887.

In addition to this there are rooms providing ample accommodation for the council and its officers. At present there is no suitable building in the borough for the holding of large public meetings, or lodge meetings. All the meetings which are held take place on the Petersham side, because of the want of accommodation in the borough.

19. *Mr. Stevenson.*] You do not propose to have any shops? No.
20. *Mr. Colls.*] There is to be a library, I presume? Yes; it will come under the provisions of the Municipalities Act.
21. *Chairman.*] Has the municipality ever considered the advisableness of starting a School of Arts in connection with the building? I have not heard anything about it.
22. *Mr. Garrard.*] I understand that you purpose keeping the town-hall account separate from the ordinary borough account? Yes.
23. What will be the probable income from the town-hall? I have not the least doubt that it will pay fair interest on the money.
24. A large number of meetings are held in Leichhardt? Yes.
25. It is a lively borough? Yes; but we have no proper building in which to hold large meetings.
26. Is the site which you have purchased a central one? Yes.
27. How did you raise money to purchase it? It was paid out of the ordinary municipal funds. We set apart £4,000 for the loan for the purpose.
28. To what extent have you borrowed? To the full extent allowed by law.
29. Now you want power to borrow on this freehold? Yes.
30. At present only your rates and revenue are mortgaged to your debenture holders? Yes. The £4,000 which was set apart for town-hall purposes we propose to apply to general purposes. There are 52 miles of streets in the borough. It is a large and a new borough, and there is a great deal of general work to be done.
31. *Mr. Stevenson.*] What provision have you made in the event of the hall not returning sufficient to pay the interest on the cost? I have no doubt that it will return sufficient to pay the interest. We have to make allowance for rent for the council chambers, which will go a long way towards paying the interest.
32. *Mr. Garrard.*] For the accommodation which you will have in the new buildings you will be able to charge at least £4 a week rent as against the general borough account? Yes.
33. *Chairman.*] At what rate do you think you will get the money? From 5 to 6 per cent. There is a party who is willing to advance the money, provided that Parliament passes this Bill.
34. What interest did you pay on the last loan which you raised? 6 per cent.
35. *Mr. Garrard.*] As there is a reasonable prospect of this paying better security than the rates, do you think you are likely to get the money at a lower rate of interest? I believe so.
36. *Mr. Barbour.*] Have you entered into calculations as to the probable returns from letting portions of the building? I have not; but I know that two or three lodges are willing to take the rooms.
37. *Chairman.*] There are six benefit societies in Leichhardt at present which have to hold their meetings outside the borough? Yes.
38. I presume that when the hall is erected they will hold their meetings there? I am under the impression that they will.
39. *Mr. Garrard.*] What is the population of the borough? About 15,000.
40. You propose to erect the hall in the most populous part of the borough? Yes.
41. Close to the present tram terminus? Yes.
42. *Chairman.*] The Government propose to erect new post and telegraph offices adjoining the town-hall site? Yes.
43. *Mr. Barbour.*] How much money do you expect to raise on the land and buildings? About £6,000,—that is the cost of the buildings.
44. *Mr. Garrard.*] What is the value of the land at present? About £3,000; I may state that the building is in progress, and is supposed to be finished by the middle of April.
45. How long is it since the Council determined to apply for the Bill? About six months.
46. The ratepayers have had plenty of opportunity to protest against it if they had thought fit? Yes.
47. *Mr. Stevenson.*] How long is it since you accepted a contract for the building? About six or seven weeks.

Allan McGuire, Esq., called in, sworn, and examined:—

- A. McGuire, Esq.
15 Nov., 1887.
48. *Chairman.*] You are council clerk of the borough of Leichhardt? Yes.
49. How long have you held that position? One year and nine months.
50. You are aware that the council have asked for this Bill? Yes; unanimously.
51. Was a resolution carried in favour of it? Yes, and entered on the minutes.
52. *Mr. Garrard.*] Was it given notice of in the usual course? Yes, it was given notice of verbally; then it was printed on the business paper, and posted out three days before the meeting, when it was fully discussed.
53. *Chairman.*] Do you produce the deeds of the land? I do. [*Deeds produced.*]
54. Have you heard of any objection on the part of the people to the Bill? None.
55. What is the present indebtedness of the borough? £31,000.
56. What is the amount of your annual rate? The general rate is £6,250.
57. Is the borough a progressive one? It is in a very progressive state.
58. The building which you use at present for council chambers is totally inadequate? Yes; we have no accommodation at all.
59. *Mr. Garrard.*] Do you think that the town-hall is likely to prove a paying concern? Yes. I think the rooms are likely to be continually occupied. There are four lodge-rooms with ante-rooms.
60. *Mr. Barbour.*] What is the extent of the land? About $\frac{3}{4}$ of an acre.
61. *Mr. Garrard.*] What do you value the land at? We paid £2,420 for it two years ago; but I should think it was worth £3,000 now.
62. Have you made any estimate of the probable revenue to be derived from outside sources? I have not gone into that.
63. I presume that if a suitable building were available you could not get sufficient accommodation to meet your requirements for less than double the rent which you are now paying for Council Chambers? I am quite certain about that.

64. Therefore you will have £4 or £5 a week rent to charge against the general borough account? Yes. A. McGuire, Esq.
 65. *Mr. Day.*] What number of ratepayers have you on the rolls? 5,000.
 66. *Mr. Garrard.*] What is the difference between the ordinary revenue of the year before last and this year? £500. 15 Nov., 1887.
 67. Do you expect a similar increase this time? I estimate that there will be more, because there are more buildings going up.

—————
 Evan James Williams, Esq., called in, sworn, and examined:—

68. *Chairman.*] You live at Leichhardt? Yes. E. J. Williams, Esq.
 69. You were at one time mayor of Leichhardt? Yes, a few years ago. 15 Nov., 1887.
 70. How long is it since you ceased to have any connection with the council as alderman? About five years.
 71. You have a large amount of property at Leichhardt? Yes; about the Parramatta Road and Norton-street.
 72. Have you heard of any public movement in opposition to the intentions of the council with regard to a town-hall? None whatever.
 73. Do you think that on the whole it is agreeable to the general body of the ratepayers that the building should be erected? Yes.
 74. Do you think the site a suitable one? Yes; it is centrally situated.
 75. You think that the municipality is in need of some large public hall in which to hold meetings? Most undoubtedly.
 76. *Mr. Barbour.*] Have you seen the plans of the building? Yes.
 77. Do you think them suitable? Yes.
 78. Not too extravagant? I do not think so, considering the importance of the municipality.
 79. Do you think the building will be adequate to the present requirements? I have no doubt it will be for some years to come.
 80. Do you think that the council will get any income from the letting of the rooms? I should think they would get a very fair revenue.
 81. Do you think it would be sufficient to cover the interest on £6,000? I should say so, if you include an amount equivalent to what would be the rent for the council chamber.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

LIVERPOOL CHURCH OF ENGLAND GRAMMAR
SCHOOL LAND SALE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
25 *April*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 80. THURSDAY, 19 APRIL, 1888.

6. LIVERPOOL CHURCH OF ENGLAND GRAMMAR SCHOOL LAND SALE BILL (*Formal Motion*):—*Mr. Hugh Taylor*, for *Mr. Nobbs*, moved, pursuant to Notice,—
- (1.) That the Liverpool Church of England Grammar School Land Sale Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. McCulloch*, *Mr. Frank Farnell*, *Mr. Day*, *Mr. Barbour*, *Mr. Teece*, *Mr. Stephen*, and the Mover.
- Question put and passed.
-

VOTES No. 82. WEDNESDAY, 25 APRIL, 1888.

8. LIVERPOOL CHURCH OF ENGLAND GRAMMAR SCHOOL LAND SALE BILL:—*Mr. Nobbs*, 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 consideration and Report this Bill was referred on 19th April, 1888, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
- * * * * *
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 LIVERPOOL CHURCH OF ENGLAND GRAMMAR SCHOOL LAND SALE BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 19th April, 1888,—the “*Liverpool Church of England Grammar School Land Sale Bill*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

JOHN NOBBS,
Chairman.

No. 2 Committee Room,
Sydney, 24th April, 1888.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 24 APRIL, 1888.

MEMBERS PRESENT:—

Mr. Nobbs,	|	Mr. Day,
Mr. Barbour,		Mr. M'Culloch.

Mr. Nobbs called to the Chair.

Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Present:—Percy Vernon McCulloch, Esq. (*Solicitor for the Bill*).

The Right Reverend Alfred Barry, D.D., Bishop of Sydney, called in, sworn, and examined.

Witness withdrew.

Percy Vernon McCulloch, Esq., sworn and examined.

Witness *handed in* certified copies of the original grant referred to in the Preamble, and deed of consent vesting the land in the Church of England Property Trust; also an attested copy of the will of the late Thomas Moore.

Alderman Taylor called in, sworn, and examined.

Witness withdrew.

Ion Brown Bosley, Esq., called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clauses 1 to 3 read and agreed to.

Title read and agreed to.

Chairman to report the Bill, without amendment, to the House.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

LIVERPOOL CHURCH OF ENGLAND GRAMMAR
SCHOOL LAND SALE BILL.

TUESDAY, 24 APRIL, 1888.

Present:—

MR. BARBOUR,	|	MR. DAY,
MR. NOBBS,	|	MR. McCULLOCH.

J. NOBBS, ESQ., IN THE CHAIR.

Mr. P. V. McCulloch appeared as Solicitor for the Bill.

The Right Reverend Alfred Barry, D.D., Lord Bishop of Sydney, called in, sworn, and examined:—

1. *Mr. McCulloch.*] You are the Bishop of Sydney? I am.
2. You have read the proposed Bill? I have.
3. You know the land with which it is proposed to deal? I have seen it, but I do not know it well. I have seen it sufficiently to be able to form an opinion with reference to the course which is now proposed.
4. You are, I believe, the sole trustee? No. The land is held by what is called the corporate body—that is, the Church of England property trustees, Diocese of Sydney.
5. But you are their representative? I am the chairman of the trustees. The property has been transferred to them.
6. You are also, I believe, one of the trustees of the land upon which it is proposed that the grammar school shall be erected? I am one of the Moore College trustees.
7. I believe that the land which it is proposed to sell is not suitable for the purposes for which it was granted, that is, for the purpose of a school-house in connection with the church? No. Perhaps it would be better if I were to read to the Committee a statement, addressed by the incumbent and churchwardens of Liverpool to the corporate trustees, with reference to this matter. It is in these terms: "Gentlemen,—There is a block of land, about 3 acres, selected in this town, belonging to the church, on which stand a new school building, 20 ft. by 60 ft., and a substantial master's residence. Since the withdrawal of aid from denominational schools the building has been unused. The residence has been let at a rent which has enabled us to put the building in repair, and to make the Sunday-school house more useful. To assist in maturing plans for the removal of Moore College to Sydney, and to utilise the present college buildings for a middle class grammar school, and with the sanction of the Primate we wish the trustees to take the necessary steps for passing a Bill through the Legislature, empowering them to sell or let on long lease the land and buildings referred to. In the event of the passing of the Bill we wish the proceeds of sale or lease to be invested, and the annual income to be appropriated towards the part maintenance of the head master of the proposed middle school. Should the grammar school scheme prove a failure within seven years we desire that the proceeds referred to be considered a trust fund for St. Luke's parish, and appropriated to parish purposes, and particularly towards maintaining in efficiency the present Sunday-school buildings." That document is signed by Mr. Priddle, the incumbent of St. Luke's, Liverpool, on behalf of himself and the churchwardens.

Right Rev.
A. Barry,
D.D.
24 April, 1888.

- Right Rev. 8. *Mr. Barbour.*] There is no doubt that the piece of land referred to in the deed is unsuitable for the purposes for which it was intended? The Sunday-school is found to be more conveniently situated nearer to the church.
- A. Barry, D.D.
- 24 April, 1888. 9. You have other lands more suitable for the purpose? Much more suitable.
10. The trustees desire the power to sell and to apply the proceeds to educational purposes? Just so.
11. The same purposes, in short, as were contemplated by the original grant? Perhaps I ought to say cognate purposes. The idea will be brought before you of establishing in the building, which is now used as a theological college, a Church of England Grammar School, which we think will carry out a principle thoroughly in harmony with Mr. Moore's original intention. The income unfortunately will not be sufficient to maintain such a school. At the outside it would not exceed £150 a year. It is proposed to apply a portion of the proceeds to the endowment of the school, with the provision that if the grammar school should fail, the endowment should revert to the parish and be held in trust for educational purposes there. I may say that, as Bishop, I thoroughly approve of both schemes, not merely as a trustee but as the guardian of church property. I approve both of the selling of the land and also of the attempted maintenance of the grammar school.
12. You think the new purpose will be equally beneficial? Yes, under the present circumstances more beneficial. It would be hard to maintain a denominational school there under existing circumstances.

Percy Vernon M'Culloch, Esq., sworn and examined:—

- P. V. 13. *Mr. Barbour.*] You are the solicitor for this Bill? Yes.
- M'Culloch, Esq.
- 24 April, 1888. 14. Have you a copy of the deed of grant of this land? I can give you the original deed as an exhibit, and I will let you have a copy in the course of a few days.
15. It is a grant of 3 acres 2 roods 11 perches, as mentioned in the preamble of the Bill? Yes.
16. The trustees have found that the land is not suitable for the purposes for which it was granted? No.
17. You wish for power to sell this land, and to use the proceeds as an endowment for a Church of England Grammar School on other land, which is also mentioned in the preamble? Yes.
18. Have you copies of any other documents in connection with the matter? I have a consent from the trustees and grantees under this grant, vesting the property in the Church of England Property Trust, Diocese of Sydney. It is dated 25th December, 1884. It refers to the land mentioned in the grant.
19. *Mr. Day.*] And those parties are now the applicants for this Bill? Yes. I also hand in an attested copy of the will and codicil of Thomas Moore, which devises the land to trustees upon trust for a college or establishment, to be called Moore College, for the education of boys or youths of the Protestant persuasion in the principles of Christian knowledge, and such other branches of moral, useful, and general information as the trustees under the said will and testament should from time to time direct and appoint, and as should be consistent with and in furtherance of the testator's intention and desire.

Thomas Whitford Taylor, Esq., called in, sworn, and examined:—

- T. W. 20. *Mr. M'Culloch.*] You are one of the aldermen of Liverpool? Yes.
- Taylor, Esq.
- 24 April, 1888. 21. You know the purposes for which this Bill is asked? Yes.
22. You think that the land which it is proposed to sell is not suitable for the erection of a school-house? I should think not, for various reasons. It is a long way from the Church of England, and the clergyman himself has actually built a school, not later than last year, adjoining the church. I have known the land for the last six years.
23. Have you heard of any objection to this Bill? No. We all met at the College, under the presidency of his Lordship, and it was then agreed that as the grammar school was to be put in place of the Theological College the proceeds of the sale of this land should form the nucleus for the endowment of that school. Mr. Priddle and the churchwardens signed a consent conveying this land for the purpose intended, and not one of the parishioners has, I believe, objected.

Ion Brown Bosley, Esq., called in, sworn, and examined:—

- I. B. 24. *Mr. M'Culloch.*] You are a resident of Liverpool, and a member of the Church of England? Yes.
- Bosley, Esq.
- 24 April, 1888. 25. I believe you are acquainted with the purposes for which this Bill is required? Yes.
26. Are you of opinion that the land referred to is not suitable for the purposes of a school-house? It is not in my opinion suitable.
27. You think that a school-house is not required there? No.
28. There is a piece of land available more suitable for the purpose? Yes.
29. It is proposed to sell the grant of land, and to apply the proceeds to the endowment of a grammar school which is to be established at Moore College? Yes.
30. Do you think that course advisable? Yes.
31. You have heard no objections raised to that course by the parishioners? No.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

NORTH SHORE BOROUGH'S WHARVES BILL,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

17 *May*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887.

(SECOND SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 50. FRIDAY, 24 JUNE, 1887.

8. NORTH SHORE BOROUGHS WHARVES BILL (*Formal motion*):—*Mr. Lyne*, for *Mr. Ives*, moved, pursuant to Notice,—
- (1.) That the North Shore Boroughs Wharves Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Garrett*, *Mr. Abbott*, *Mr. Dalton*, *Mr. H. H. Brown*, *Mr. Garland*, *Mr. McCulloch*, *Mr. Withers*, *Mr. Lyne*, *Mr. R. B. Smith*, and the Mover.
- Question put and passed.

VOTES NO. 53. WEDNESDAY, 29 JUNE, 1887.

2. NORTH SHORE BOROUGHS WHARVES BILL:—
- (1.) *Mr. Ives* presented a Petition from *Thomas Edgar Creswell* and *Harry Henry Robey*, of *St. Leonards*, Captain and Secretary of the North Shore Rowing Club, on behalf of the Club, praying to be heard by Counsel or Solicitor, or in person, before the House, or before the Select Committee, in opposition to the North Shore Boroughs Wharves Bill.
- (2.) *Mr. Ives* presented a similar Petition from *Prosper Orleans Williams* and *Alfred George Milson*, of *St. Leonards*, on behalf of themselves and other ratepayers of the Borough of *East St. Leonards*.
- Petitions received, and referred to the Select Committee on the Bill.

(SESSION 1887-8.)

VOTES NO. 4. TUESDAY, 27 SEPTEMBER, 1887.

15. NORTH SHORE BOROUGHS WHARVES BILL:— * * * * *
- (3.) *Mr. Tricket* moved,—
- (1.) That the North Shore Boroughs Wharves Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Garrett*, *Mr. Abbott*, *Mr. Dalton*, *Mr. Ives*, *Mr. Garland*, *Mr. McCulloch*, *Mr. Withers*, *Mr. Lyne*, *Mr. R. Burdett Smith*, and the Mover.
- Question put and passed.

VOTES NO. 7. TUESDAY, 4 OCTOBER, 1887.

3. NORTH SHORE BOROUGHS WHARVES BILL:—
- (1.) *Mr. Ives* presented a Petition from *Prosper Orleans Williams*, *Alfred George Milson*, *Thomas Brocklebank Gaden*, and *James Robinson Love*, of *East St. Leonards*, on behalf of themselves and other ratepayers of the Borough of *East St. Leonards*, praying that they may be heard by their Counsel or Solicitor, or in person, before this House or before the Select Committee now considering the North Shore Boroughs Wharves Bill, in opposition to the said Bill and the provisions thereof, with liberty to adduce such evidence as they may be advised in opposition thereto, or in support of this Petition.
- (2.) *Mr. Ives* presented a similar Petition from *Thomas Edgar Creswell* and *Henry Herbert Robey*, of *East St. Leonards*, Captain and Secretary of the North Shore Rowing Club, on behalf of such Club.
- Petitions received, and referred to the Select Committee on the Bill.

VOTES

VOTES No. 20. WEDNESDAY, 22 NOVEMBER, 1887.

12. NORTH SHORE BOROUGHS WHARVES BILL:—

(1.) Mr. Abbott (*with the concurrence of the House*) moved, without Notice, that the Minutes of Proceedings of, and Evidence taken before, the Select Committee on the North Shore Boroughs Wharves Bill during the last Session, be laid upon the Table of this House, with a view to being referred to the Committee now sitting on the Bill.

Question put and passed.

(2.) And the Clerk having laid the Documents upon the Table,—

Mr. Abbott (*with the concurrence of the House*) moved, without Notice, that the Minutes of Proceedings of, and Evidence taken before, the Select Committee on the North Shore Boroughs Wharves Bill, just laid upon the Table by the Clerk, be referred to the Select Committee now sitting on the Bill.

Question put and passed.

VOTES No. 92. THURSDAY, 17 MAY, 1888.

9. NORTH SHORE BOROUGHS WHARVES BILL:—Mr. Ives, 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 consideration and report this Bill was referred on 27th September, 1887, together with Appudix and a copy of the Bill as amended and agreed to by the Committee. Ordered to be printed.

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1887-8.

 NORTH SHORE BOROUGHS WHARVES BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 27th September, 1887, the "*North Shore Boroughs Wharves Bill*," and to whom was also referred on the 4th October, 1887, "*the Petition from Prosper Orleans Williams, Alfred George Milson, Thomas Brocklebank Gaden, and James Robinson Love, on behalf of themselves and other ratepayers of the Borough of East St. Leonards, in opposition to the Bill, and praying to be heard by Counsel or Solicitor before the Select Committee*," and a similar "*Petition from Thomas Edgar Creswell and Henry Herbert Robey, of East St. Leonards, on behalf of the North Shore Rowing Club*," and on the 2nd November, 1887, "*the Minutes of Proceedings of and Evidence taken before the Select Committee on this Bill during the last Session*,"—beg to report to your Honorable House,—

* See list, p. 8.

That they have examined the witnesses named in the List* (whose evidence will be found appended hereto), and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Title.

No. 2 Committee Room,
Sydney, 8th May, 1888.

I. E. IVES,
Chairman.

1887.

(SECOND SESSION.)

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 28 JUNE, 1887.

MEMBERS PRESENT:—

Mr. Ives, | Mr. R. Burdett Smith,

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

THURSDAY, 30 JUNE, 1887.

MEMBERS PRESENT:—

Mr. Ives, | Mr. Lyne,
Mr. Garrett, | Mr. Dalton,
Mr. Abbott, | Mr. R. Burdett Smith,

Mr. Withers.

Mr. Ives called to the Chair.

Entries from Votes and Proceedings appointing the Committee and referring Petitions of Prosper Orleans Williams and another, and Thomas Edgar Creswell and another, against the Bill, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same and the Petitions against the Bill, before the Committee.

Present—Prosper Orleans Williams, Esq. (*Solicitor for the parties against the Bill.*)

Room cleared.

Committee deliberated.

[Adjourned to Monday next, at a Quarter to Two o'clock.]

MONDAY, 4 JULY, 1887.

MEMBERS PRESENT:—

Mr. Ives in the Chair.

Mr. Abbott, | Mr. Withers.

Present—Walter Edmunds, Esq. (*Counsel for the Bill*), Prosper Orleans Williams, Esq. (*Solicitor for parties against the Bill.*)

Nicholas M'Burney, Esq. (*Mayor of East St. Leonards*), called in, sworn, and examined.

Cross-examined by Mr. Williams.

Witness withdrew.

Percy Augustus Temple (*Council Clerk, East St. Leonards*), called in, sworn, and examined.

Witness produced plans of proposed wharves, also plan of the streets of the Borough of East St. Leonards.

Cross-examined by Mr. Williams.

Witness produced Minute Books and handed in extracts therefrom. [*See Appendices A 1 and 2.*]

Room cleared.

Committee deliberated.

[Reassembling of the Committee to be arranged by the Chairman.]

(SESSION 1887-8.)

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 25 OCTOBER, 1887.

MEMBERS PRESENT:—

Mr. Ives, | Mr. R. Burdett Smith.

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

THURSDAY, 27 OCTOBER, 1887.

MEMBERS PRESENT:—

Mr. Ives, | Mr. Trickett,
Mr. Lyne, | Mr. Withers,
Mr. R. Burdett Smith.

Mr. Ives called to the Chair.

Entries from Votes and Proceedings appointing the Committee and referring the Petitions from Prosper Orleans Williams, and other ratepayers of the Borough of East St. Leonards, and from Thomas Edgar Creswell and Henry Herbert Robey, of East St. Leonards, on behalf of the North Shore Rowing Club, read by the Clerk.

Printed copies of the Bill referred together with original Petition to introduce the same, before the Committee.

Present—R. D. Pring, Esq. (*Counsel for the Bill*), P. O. Williams, Esq. (*Solicitor for the Petitioning Ratepayers of East St. Leonards*), H. H. Robey, Esq. (*for the North Shore Rowing Club*).

Donald Munro, Esq. (*Mayor of Victoria*), called in, sworn, and examined.

Witness withdrew.

Edward Mann Clarke, Esq., called in, sworn, and examined.

Witness withdrew.

Allen Douglas Bell, Esq. (*Alderman, St. Leonards*), called in, sworn, and examined.

Cross-examined by Mr. Williams.

Witness withdrew.

Joseph Waterhouse, Esq. (*Alderman, East St. Leonards*), called in, sworn, and examined.

Cross-examined by Mr. Williams.

Witness withdrew.

Percy Augustus Temple, Esq. (*Council Clerk, East St. Leonards*), called in, sworn, and examined.

Witness produced plans of proposed wharves in East St. Leonards and handed in letter from Government, promising lease of land at foot of Willoughby-street. [*See Appendix A 3.*]

Cross-examined by Mr. Williams.

Witness withdrew.

William Alexander, Esq., called in, sworn, and examined.

Witness withdrew.

Edward Aiken, Esq., called in, sworn, and examined.

Room cleared.

Committee deliberated.

[Adjourned to Thursday next, at *Half past Ten* o'clock.]

THURSDAY, 3 NOVEMBER, 1887.

MEMBERS PRESENT:—

Mr. Ives.

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

THURSDAY, 10 NOVEMBER, 1887.

MEMBERS PRESENT:—

Mr. Ives in the Chair.

Mr. Trickett, | Mr. Withers,
Mr. R. Burdett Smith, | Mr. Lyne,
Mr. Garrett.

Entry from the Votes and Proceedings referring the Minutes of Proceedings and Evidence on the North Shore Boroughs Wharves Bill during last Session, read by the Clerk.

Copies of petitions and evidence referred before the Committee.

Present:—T. E. Creswell, Esq. (*for the North Shore Rowing Club*), P. O. Williams, Esq. (*Solicitor for the Petitioning Ratepayers of East St. Leonards*), R. D. Pring, Esq. (*Counsel for the Bill*).

Thomas Edgar Creswell, Esq. (*one of the Petitioners against the Bill*), sworn and examined.

Cross-examined by Mr. Pring.

Prosper Orleans Williams, Esq. (*one of the Petitioners against the Bill*), sworn and examined.

Cross-examined by Mr. Pring.

Walter L. Vernon, Esq., called in, sworn, and examined.

Cross-examined.

Cross-examined by Mr. Pring.

Witness withdrew.

William Cope, Esq., called in, sworn, and examined.

Cross-examined by Mr. Pring.

Witness withdrew.

H. H. Robey, Esq. (*one of the Petitioners against the Bill*), sworn and examined.

Cross-examined by Mr. Pring.

Mr. Pring handed in copy of letter from Department of Lands. (*See Appendix B.*)

[Adjourned to Wednesday next, at *Half-past Ten* o'clock.]

WEDNESDAY, 16 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ives, | Mr. Withers.

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

WEDNESDAY, 23 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ives in the Chair.

Mr. Abbott, | Mr. Withers,

Mr. Dalton.

Present :—R. D. Pring, Esq. (*Counsel for the Bill*), H. H. Robey, Esq. (*for the North Shore Rowing Club*).

Alderman John Rodick called in, sworn, and examined.

Room cleared.

Committee deliberated.

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

WEDNESDAY, 30 NOVEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ives in the Chair.

Mr. Withers, | Mr. Dalton.

Present—R. D. Pring, Esq. (*Counsel for the Bill*), H. H. Robey, Esq. (*for the North Shore Rowing Club*), P. O. Williams, Esq. (*Solicitor for the Petitioning Ratepayers of East St. Leonards*).

J. R. Love, Esq., called in, sworn, and examined.

Witness withdrew.

Walter Traill, Esq., called in, sworn, and examined.

Cross-examined by Mr. Pring.

Witness withdrew.

Thomas Brocklebank Gaden, Esq., called in, sworn, and examined.

Cross-examined by Mr. Pring.

Witness withdrew.

Alfred G. Milson, Esq., called in, sworn, and examined.

Cross-examined by Mr. Pring.

Witness withdrew.

William C. Goddard, Esq., called in, sworn, and examined.

Room cleared.

Committee deliberated.

[Adjourned to Friday next, at *Half-past One* o'clock.]

FRIDAY, 2 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ives in the Chair.

Mr. Withers, | Mr. J. P. Abbott.

Present—P. O. Williams, Esq. (*Solicitor for the Petitioning Ratepayers of East St. Leonards*), H. H. Robey, Esq. (*for the North Shore Rowing Club*).

Committee deliberated.

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

WEDNESDAY, 7 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ives, | Mr. Withers.

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

WEDNESDAY,

WEDNESDAY, 14 DECEMBER, 1887.

MEMBERS PRESENT :—

Mr. Ives. | Mr. Withers

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

WEDNESDAY, 21 DECEMBER, 1887.

MEMBER PRESENT.—

Mr. Withers.

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

TUESDAY, 27 MARCH, 1888.

MEMBERS PRESENT.—

Mr. Ives. | Mr. Withers.

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

WEDNESDAY, 11 APRIL, 1888.

MEMBERS PRESENT :—

Mr. Ives, | Mr. Withers.

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

WEDNESDAY, 25 APRIL, 1888.

MEMBERS PRESENT :—

Mr. Withers, | Mr. Dalton.

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

TUESDAY, 8 MAY, 1888.

MEMBERS PRESENT :—

Mr. Ives in the Chair.

Mr. Withers. | Mr. Garland.

Present :—R. D. Pring, Esq. (*Counsel for the Bill*.)

Room cleared.

Preamble considered.

Question :—That this Preamble stand part of the Bill—put and *passed*.

Counsel called in and informed.

Clauses 1 to 5 read and *agreed to*.

Clause 6 read, amended,* and *agreed to*.

Clause 7, read and *agreed to*.

Clause 8, read, amended* and *agreed to*.

Title read, amended* and *agreed to*.

Chairman to report the Bill, with amendments and an amended Title, to the House.

*See Schedule
Amendments.

SCHEDULE OF AMENDMENTS.

- Page 1, Title. *After* "wharves" *insert* "and for other purposes"
 " 3, clause 6, line 27. *Omit* "seven" *insert* "five"
 " " 6. *Add* to clause "provided that no such lease, demise, grant, or permission, shall give
 exclusive use of such wharf to any person, partnership, company, or corporation."
 " " 8, line 40. *After* "Act" *insert* "of 1885"

LIST OF WITNESSES.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

NORTH SHORE BOROUGH'S WHARVES BILL.

1887.

(SECOND SESSION.)

MONDAY, 4 JULY, 1887.

Present:—

MR. ABBOTT,

MR. WITHERS.

MR. IVES,

I. E. IVES, ESQ., IN THE CHAIR.

Walter Edmunds, Esq., Counsel, instructed by F. B. Wilkinson, Esq., appeared for the Petitioners.

P. O. Williams, Esq., Solicitor, appeared for the parties against the Bill.

Nicholas M'Burney, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are the mayor of East St. Leonards? Yes.
2. You represent one of the parties petitioning for this Bill? Yes.
3. What is the object of the Council? The object of the three Councils who are applying for the Bill is to have places of access to the boroughs, so that goods and passengers may land there. We intend to utilize these wharves for the benefit of the people.
4. What convenience already exists there? In East St. Leonards there is a public wharf at the foot of what they call the Eastern Wharf Road.
5. No other public wharf? No; that is all that the borough has control over.
6. Is this wharf in a useful condition—can it be approached from the water? Yes, vessels discharge coal and timber there. There is sufficient depth of water for a vessel to lay alongside the wharf.
7. What is the area of the wharf? I do not know.
8. What frontage is there to the harbour? About 66 feet, I think.
9. Beyond this wharf East St. Leonards has no other public wharf? No. We have places at which we could land at high water.
10. Do you know the extent of frontage which East St. Leonards has to the harbour? I do not know. The streets which abut on to the water are the Western Wharf Road, High-street, and Jeffrys-street. There are one or two other such streets, but I do not think wharves should be made at the foot of them just now.
11. *Mr. Abbott.*] Has this matter been referred to the ratepayers in any way? No, not in the way of public meetings, or anything of that kind. So far as I know nothing has been done to ascertain their wishes in the matter.
12. Has their attention been directed to it in any way, except by the advertisements with respect to this Bill? No.
13. Has any demand on their part been made for the Bill? Yes; I have heard several say that we ought to have more means of access to our borough.

N. M'Burney,
Esq.

4 July, 1887.

N. M'Burney, 14. How many of them? I cannot say.

Esq.
4 July, 1887.

15. Are the ratepayers aware that you have power in this Bill to expend all the rates on these wharves if you think proper? I cannot say that they are. The council decided to borrow £3,000 for the construction of wharves. They have done nothing in the matter yet.

16. Did they get permission to borrow this money on the security of the rates? Yes.

17. I suppose you found out that you did not have power to construct wharves outside the municipality? We applied to our solicitor, who took counsel's opinion upon the point, and that is the reason why we are applying for this Bill.

18. What are the rates in East St. Leonards? This year they amount to between £3,000 and £4,000 I think.

19. At the present time is there any great difficulty at North Shore in the way of discharging ships? The traffic has increased wonderfully of late at the Eastern Wharf. Mr. Grant's wharf is nearly always occupied by timber and coal laden ships. I have heard it stated that if there were additional wharfage accommodation warehouses would be put up. Mr. Wilson has put up a warehouse at the foot of Jeffrystreet.

20. Is he an alderman? Yes.

21. Has any other alderman put up a warehouse? No.

22. Have you an alderman named Glacken? Yes.

23. Has he been applying for permission to erect a wharf? Not that I am aware of.

24. *Mr. Withers.*] What is the probable cost of the proposed wharves? We have permission to borrow between £3,000 and £4,000. I do not think that they would cost more than £500 a-piece. We propose to erect three wharves.

25. Have you any evidence as to the probable income which you will derive from them? Certain ratepayers have said that they would give £100 and £150 a year for the lease of them; nothing definite however has been said.

26. Do you know the names of the persons who are likely to tender for a lease of these wharves? I cannot remember their names at present. One or two persons have spoken to me about a wharf at the foot of Jeffrystreet, but we do not propose to construct a wharf there.

27. The ratepayers know that you are asking for this Bill? It has been advertised.

28. Have any petitions been received against the measure? Not while I was in the council. I was out of it for twelve months. I do not think that any petition has been received against it.

29. I suppose that the estimate of cost is based upon reliable information? The council clerk will give you the exact estimate. We got Messrs. Humphrey and Cracknell to prepare plans of wharves which were to cost a certain sum each.

30. *Mr. Abbott.*] Are the rates of St. Leonards at present subject to any charge? We have borrowed I think £15,000 already.

31. *Mr. Withers.*] Is the borough a progressive one? Yes; the revenue is increasing at the rate of about £400 or £500 a year.

32. Your income of £4,000 a year is derived from the city rate? Yes; it includes the lighting rate. We have levied this year a sewerage rate, which amounts to £250.

33. *Mr. Edmunds.*] Have the prospects of this speculation been fully considered by the council? Yes; it has been discussed frequently.

34. *Mr. Williams.*] Were you present at any of the discussions? Yes.

35. Are there any minutes of them? I do not think that there is any minute, for no definite offer, as far as my memory serves me, was ever made by a ratepayer to lease the wharves. As far as I know nothing was done which would justify an entry in the minute-book.

36. *Mr. Edmunds.*] This scheme has been brought forward after a full consideration by your council? Yes.

37. Besides the places which you have named is there any other part where a public wharf could be erected in the borough? No; there are a few streets abutting on to the water, but they are so precipitous that it would be almost impossible to make a wharf at the foot of any one of them.

38. On what terms did the Lands Department propose to grant a lease of the foreshore? We received a letter from the department, but I cannot tell you the purport of it at present.

39. Have you a lease of the Eastern Wharf? Yes; it adjoins Mr. Grant's timber-yard.

40. Is there not a difficulty with reference to the construction of a wharf there between the borough and the Lands Department? There is a wharf there already. Vessels are in the habit of landing cargoes there.

41. Is not this wharf in the occupation of the North Shore Ferry Company? No; it is let by the council to Mr. Grant.

42. *Mr. Williams.*] Mr. Grant has full control over this wharf? Yes; except that he has to allow private boats to land their passengers there.

43. The council has parted with all control over this wharf? Yes; except that the Government are allowed to land anything free of charge there.

44. Who erected the wharf? I do not know.

45. Was it the municipality or the Government? I cannot say.

46. Where do the borough council propose to erect these wharves? At the foot of High-street, Willoughby-street, and Western Wharf Road.

47. There is a good wharf already at High-street? Yes; it is used by the North Shore Ferry Company. The Whaling Road, which runs down there, has never been opened yet.

48. Does the council propose to pull down the wharf at the foot of High-street? It has not been taken into consideration yet. It is not a wharf that would answer the purpose of the council.

49. What do the council require? They require a wharf of their own.

50. Is not this wharf beyond the boundary of the municipality? I do not think it is.

51. Is it not beyond low-water-mark. Is there not deep water frontage right up to the wharf? I dare say that there is 12 feet of water there.

52. Is it not a fact that the North Shore Ferry Company, before a wharf was erected there, offered to build a wharf and to pay the council £20 a year for it, which offer they refused? I believe it is a fact. I was not a member of the council at the time.

N. McBurney,
Esq.
4 July, 1887.

53. Nevertheless, you wish to get permission to erect a wharf at the very same place? Yes.
54. What was Humphrey and Cracknell's estimate for a wharf at that point? I do not know. The council clerk will be able to furnish you with the information.
55. Do you propose to lease the wharf? Yes; we have no tenant yet.
56. What rent do you expect to get from it? Mr. Grant pays £75 a year. We think that we could get £75 or £100.
57. Would it let better than Mr. Grant's wharf? Yes; it would open up the traffic in the borough of St. Leonards. If a wharf were constructed at this point horses and cargo could be landed there, and it would do away with the heavy traffic which exists alongside the tramway on the Milson's Point Road.
58. Are many of the residents in favour of this Bill? Yes.
59. Who are they? Mr. Kelly and Mr. Slatter are opposed to it.
60. Can you name any others? No; I could furnish you with a list of the names if you wish.
61. You have no definite tenant for the wharves? No.
62. And in order to build a wharf at High-street you would have to pull down or alter the present one? I think that it would have to be pulled down.
63. Do you propose to lease the proposed wharf at the foot of Willoughby-street? As far as I know the idea is to lease the whole of them.
64. To whom are you going to lease them? We have no tenants for them yet.
65. Has anybody expressed a willingness to lease that particular wharf? No.
66. Has Mr. Alderman Glacken? No.
67. Mr. Ball? He has made no offer.
68. Did he offer to give the council £600 if he were allowed to erect a wharf there? Not to my knowledge.
69. He has property adjoining the wharf? Yes; he is very anxious to get the street made.
70. Has he not been one of the chief agitators to get a wharf there? Yes; he has spoken about it as much as any one has, perhaps he has said most on the subject.
71. Is it not a fact that this Bill was brought in because the council were thwarted in their effort to erect a wharf there? I do not think so.
72. Did not the council threaten the North Shore Rowing Club that if they were not out of the place within twenty-four hours they would pull down their shed? I do not know.
73. Were you not a member of the council when it was pointed out that it would be illegal to erect a wharf there? Yes; we took counsel's opinion on the subject.
74. Did you not get a letter from my office on the subject? Yes; we got numerous letters.
75. Do you not know that an application was made to the Minister for Lands on behalf of the council for a lease of this frontage, and that a petition signed by all the property-holders in the vicinity was sent in against it? I do not recollect that.
76. Have you ever heard of such a petition? No.
77. Do you not know that a petition, signed by Mr. Chisholm, Mr. Milson, Mr. Tucker, and other large property-holders, was sent in to the Minister against the erection of a wharf there, on the ground that it was an unnecessary work, and an unwarrantable expenditure? Perhaps they did; I do not know anything about it. I know that the rowing club took steps to maintain their position.
78. It is as near to Willoughby-street as it is to Milson's Point? I would sooner go to Milson's Point.
79. It is a very steep grade? Yes.
80. Is it not much steeper there than it is at Milson's Point? At present it is.
81. Is not the street almost wholly lined with private residences? Yes; there is only one shop in the street.
82. Why have you invited the borough of St. Leonards to join in the petition for this Bill? So as to lessen the expense.
83. What water frontage have they got? I think that they have water frontage about Longueville, Mossman's Bay, and the whole of Middle Harbour.
84. Your rates are already pledged for £15,000;—do you want to borrow up to £19,000? Yes.
85. How much of this £15,000 have you expended already? It has all been expended, except a thousand pounds which was borrowed specially for sewerage works.
86. You want to pledge the rates for a further sum of between £3,000 and £4,000? Yes.
87. *Mr. Abbott.*] What is the interest on the £15,000? Six per cent. The rates are increasing at about the rate of £500 a year.
88. *Mr. Williams.*] The footpaths and roads are in a bad state in St. Leonards? A good many of them are.
89. Is the traffic from the Eastern Wharf Road so great that it has become inconvenient at the present time? I do not think it is inconvenient at the present time. I think it will be inconvenient in the future.
90. The council was very much annoyed when they found that the North Shore Ferry Company had put up a wharf at the foot of High-street? Yes.
91. *Mr. Withers.*] Is a fair majority of the council in favour of this Bill? I believe so. I cannot recollect that anyone opposed the motion to ask for a Bill.
92. I suppose that the traffic is increasing all over the borough? Yes.
93. Would the erection of these wharves be a good investment; has the progress of the place been retarded by the want of such accommodation? I do not think that it has. I believe that it would be a means to advance the interests of the borough.
94. These means of access would be of general benefit to the people? I think so. I have lived in the borough for eleven or twelve years, and I believe that it would tend to advance the place.
95. The borough is suffering from the want of facilities in this direction? It is suffering exactly. I think that it would be of general benefit to have these facilities.
96. From what quarter does the opposition to this Bill come? I believe that it has emanated from the North Shore Rowing Club.
97. Who are they? The club is composed of a number of residents of North Shore who got permission from a former mayor, Mr. Pitt, to erect a rowing club shed at the foot of Willoughby-street. The permission I believe was a verbal, not a written, one. I believe that the understanding on which they got the permission was that they were to remove the shed whenever they were called upon. They have frequently been called upon to remove it, but they have not done so. It is built on the spot where we propose to erect a wharf.

- N. M^cBurney, 98. *Mr. Abbott.*] It is outside of the municipality? I do not think it is.
 Esq.
 99. Is there any necessity to erect a wharf there? Perhaps not this week or two. I think it would
 4 July, 1887. advance the place if one were erected. I do not think that the traffic warrants the erection of the wharf
 for a week or two.
 100. Has there been any necessity up to this time for such a wharf? No; I think that a wharf should
 be erected at the foot of High-street before the other two are begun.
 101. Would a wharf at the foot of Willoughby-street be accessible in the present state of that street?
 No; the council could not make it accessible for traffic within a period of six months. The expense will
 be about £600.
 102. High-street is round in Careening Bay? Yes.
 103. Is there a wharf at the end of that street or does it abut on private property? I think it abuts on
 Mr. Lord's property.
 104. It is not at the end of the street as surveyed by the Government? I think the street deviates a little.
 105. *Mr. Williams.*] Would not steam traffic or anything else in Careening Cove be a great interference
 with the rights of property owners, I mean the smoke, dirt, and dust? I think that property owners
 ought to keep pace with the times.
 106. Would it not be impossible for people with large interests to continue to reside there? No, not more
 than it is for the people who live on the main road and other places where the traffic is great. There are
 a number of houses that suffer from the traffic of the North Shore Ferry Company.
 107. The water is not very deep at the foot of Willoughby-street? No; not so deep as it is at High-street.
 108. There is not more than 4 feet of water there at low-water? Not at low-water, as far as the
 present street is concerned. There is sufficient water for boats, but not sufficient for horse-boats.
 109. Who is going to run horse-boats there? I do not know.
 110. *Mr. Edmunds.*] Was there an attempt on the part of the North Shore Rowing Club to get a lease of
 this frontage in their own name? I think that the Government said that the club would have to apply to
 the council for such a lease. I am sorry that Mr. Pitt did not bind them down to the payment of a rent,
 so that we might get rid of them without any trouble.

Percy Augustus Temple, Esq., called in, sworn, and examined:—

- P. A., Temple, 111. *Chairman.*] You are council clerk of the borough of East St. Leonards? Yes.
 Esq.
 112. Do you produce plans of the proposed wharves and jetties? Yes. They were specially prepared
 4 July, 1887. by Messrs. Humphrey and Cracknell.
 113. Can you refer to the minute of the council authorising the erection of these wharves? I have not
 the minute-book with me.
 114. Do you know that such a resolution was passed? Yes.
 115. What is the estimated cost of each wharf according to these plans? It is £1,000 a piece. Per-
 mission has been obtained already to borrow £3,000 for the erection of three wharves.
 116. *Mr. Withers.*] Has anything been said about the approaches to the wharves? No.
 117. *Chairman.*] What frontage has the borough of East St. Leonards to the harbour? I do not know.
 118. You know the names of the streets which abut on to the harbour? Yes. I produce a plan which
 shows the names of those streets, as follows:—Fish-street, Palmer-street, Walter-street, Western
 Wharf Road, Eastern Wharf Road, Jeffrys-street, Beulah-street, Campbell-street, Peel-street, Willoughby-
 street, High-street, and Benboyd Road. It is proposed to erect jetties at the foot of Western Wharf
 Road, Willoughby-street, and High-street.
 119. *Mr. Abbott.*] What has the revenue of the borough been during the last three years? In 1884 it
 was £4,200; in 1885, £4,350; in 1886, £4,500; and this year, £4,800. These figures do not include
 what we get from the Government.
 120. And a sum of £15,000 has been borrowed on the security of the rates? Yes; for ten years.
 121. How many years have expired? The first loan of £5,000 has about half expired.
 122. Has there been any general demand—not an isolated demand—by the ratepayers for these wharves?
 Yes; more especially by those who live in the streets adjacent to those three points.
 123. Has there been any general demand for a wharf at the foot of Willoughby-street? Yes; by those
 who live in the street.
 124. Why? I suppose because it would advance the place.
 125. Would a wharf be of any advantage in view of the present state of the street? No; but the street
 is being cut down to a proper grade. It will average about one in fifteen, which will be quite accessible
 for vehicles.
 126. Can you name a dozen people who have asked for this wharf? No; not at present.
 127. How many ratepayers are there in the borough? About a thousand I should think.
 128. Have 250 persons out of that number expressed a wish for such a wharf? No.
 129. Is it generally known by the ratepayers that this Bill will enable the Council to spend the whole of
 the rates upon these wharves if they think proper? I do not know whether it is or not. The business of
 the council is conducted in public.
 130. Do you know that the Bill gives this power to the council? I expect it does. It would be ridiculous
 to exercise it.
 131. Could you not better invest this money in the repairs of your streets; are there not a number of
 streets which are still unformed? No; there are only two difficult streets left now, Willoughby-street
 and Kirribilli-street, excepting, of course, the streets round at Neutral Bay and Cremorne. The streets
 in the populous parts of the borough are all formed, with the exception of Willoughby-street and Kirribilli-
 street, which are under way.
 132. What is the boundary of the other borough? Walker-street.
 133. You have part of Berry-street in your borough? No.
 134. Are the rates of the borough increasing at the rate of £500 a year? No; at the rate of £300 a year.
 135. The increase of £300 this year is the largest increase that you have ever had? Yes? 186 houses
 have been built since the last assessment was made.
 136. Has the council authorised an application to the Government for a loan of £3,000 for the purpose
 of erecting three wharves at a cost of £1,000 each? Yes; that was the understanding.

P. A. Temple,
Esq.

4 July, 1887.

137. Have you seen the specifications? Yes; they are on the table now.
138. What is the cost of each wharf according to the specifications? £1,000.
139. *Mr. Withers.*] What revenue do you expect to derive from each wharf? I think that we shall get £200 a year for any one of them.
140. Is the approach to the foot of Willoughby-street in course of formation? Yes; it is being constructed at no cost to the council, for we are getting curbing and guttering stone out of this street for other parts of the borough.
141. The grade will be suitable for vehicular traffic to the water's edge? Yes; and an approach will be made to the foot of Willoughby-street whether a wharf is erected there or not.
142. You think that it would be a profitable investment to build a wharf there? Yes.
143. Is not £200 a year an excessive rent for such a wharf? No.
144. *Mr. Abbott.*] The Eastern Wharf is the only public wharf at present in St. Leonards? Yes.
145. What does the borough council get for that wharf? £105.
146. Why do they not get £200? Because the frontage, which is only 50 feet, is not sufficiently large to berth a vessel. It is let to Mr. Grant, who owns the adjoining wharf, and if it were let to a stranger he would experience very great difficulty in landing cargo at all. At the foot of Western Wharf Road and Willoughby-street we have a frontage of 100 feet.
147. *Chairman.*] But you will be subject to the same difficulty of overlapping a private wharf in each case? We have more than double the frontage there that we have at the Eastern Wharf.
148. Have you any title to the triangular piece of land, as shown on the plan, at the foot of Willoughby-street? No; we expect to get a lease of it from the Government.
149. *Mr. Abbott.*] Have you been promised a lease of it? We have been asked to pay a certain rent. I hand in a copy of the official papers. [*Vide Appendix A I.*]
150. *Mr. Withers.*] You are sure that you can get £100 a year for each wharf? Yes; I am quite sure of that.
151. What about the approaches to the other two wharves? They are completed.
152. *Mr. Abbott.*] What rent are you paying for the land? As to the Western Wharf the Government have fixed the rental at £20 a year for five years on the condition that we erect £500 worth of improvements upon the land.
153. *Mr. Williams.*] How can you claim a right over High-street? The Government have promised to give us a lease of the land at the foot of that street.
154. Is it not at the foot of Whaling Road? No; the plan is not correct in that respect; the Whaling Road originally ran down to the water.
155. Is there not a wharf at the foot of High-street? Yes; there are two jetties—one belongs to Mr. Hayes and the other to the North Shore Ferry Company.
156. Do you know that the North Shore Ferry Company, before they built that wharf, offered to build a wharf and pay the council £20 rent a year for it? Yes; the council refused the offer, because they intended to build one themselves.
157. Now they want to pull down that wharf and build one of their own? We have a distinct promise from the Government that the existing wharves shall be removed as soon as we are in a position to build wharves of our own.
158. Have not the North Shore Ferry Company erected a wharf at Neutral Bay? No; it is a Government wharf.
159. Do not the company pay a rent for the use of that wharf? I think they pay nothing.
160. Do you not know that they are paying a rent to your council? I am sure that they are not.
161. Is there any wharf that they have erected by permission of the council for which they are paying rent? No.
162. Is there any such wharf in your borough? We receive no rent from the company.
163. Have they expressed a willingness to pay you rent? Yes, at different times, if they could get sole control of the ends of the streets.
164. They were willing to erect wharves at their own expense, and pay you a rent for them? Yes; if they could get exclusive use of the ends of the streets. The council are opposed to such a proceeding.
165. Is it not the intention of the council to lease these wharves as soon as they are erected? Yes; by public competition.
166. Are you sure that you get £105 a year from Mr. Grant? Yes.
167. Is it not £75? No; it is £105.
168. Have you to pay anything out of this sum? Yes; we pay the Government £2 a year, I think, for the foreshore.
169. Is not the grade much easier in Jeffrys-street than it will be in Willoughby-street? No; the grade in Willoughby-street will be much easier than it is in Jeffrys-street when the present work is completed. Moreover it is a much longer street than Jeffrys-street.
170. On what ground do you expect to get £200 a year from each of these wharves? The lease of the Eastern Wharf was sold at public auction for £105 a year. There was considerable competition, and Mr. Grant, the adjoining proprietor, was the successful bidder. Considering that this wharf is a very small one, and would not be of nearly as much use to anyone as it is to Mr. Grant, we calculate that we shall get £200 a year for each of the proposed wharves. At High-street we shall provide for vehicular traffic. Such a wharf is very much wanted in the borough.
171. Have you at any time seen the traffic on the Milson's Point Road inconveniently crowded? Yes.
172. Would it not be just as convenient for persons coming down from Lane Cove Road to go to Kirribilli Point, as it would to go down High-street? The distance would be about the same. It would be more convenient to go to High-street; it takes about 7 minutes for a vehicle to cross from Milson's Point to the Circular Quay. I do not think that it would take more than 10 minutes for a vehicle to cross from High-street to Sydney.
173. Is it not three times as far from High-street to Sydney as it is from Milson's Point to Sydney? I do not think so.
174. The only effect of diverting the vehicles to High-street would be to lessen the traffic on Milson's Point Road? Yes.
175. There would be no traffic as far as High-street is concerned? No.
176. When was the Eastern Wharf let to Mr. Grant? About two years ago.

- P. A. Temple, Esq., 177. Is it not a fact that the North Shore Ferry Company are willing to make extended provision for vehicular traffic at Milson's Point if the Government would permit them to put down the necessary piles and wharfage at their own expense? I am not aware of it.
- 4 July, 1887. 178. And that they have offered to put on larger boats? I do not know.
179. *Mr. Withers.*] Is it not a fact that this company has made special overtures to the council? No; not since this Bill has been projected.
180. Is there any hope of an immediate and a prospective revenue from these wharves? I think so.
181. *Mr. Edmunds.*] Were not the proposals of the North Shore Ferry Company based upon the condition that they should have a monopoly of the wharf? Yes.
182. For what period? I cannot say. It was either three or five years, I think.
183. *Mr. Williams.*] Mr. Grant has a monopoly of his wharf? Anyone may land material there, subject to a scale of charges. Private boats can land their passengers there free.
184. Why is the council so anxious to erect this wharf at the foot of Willoughby-street;—is it not a fact that they want to turn out the North Shore Rowing Club? No; it is simply to get revenue.
185. *Mr. Edmunds.*] Is it not a fact that the council are agreeable to allow the North Shore Rowing Club to erect their shed in a more suitable place? A letter was written to that effect, but we have received no reply to it yet.
186. *Mr. Withers.*] Milson's Point is the only outlet at present in St. Leonards for vehicular traffic? Yes.
187. *Mr. Edmunds.*] From whom has the opposition to this Bill come? The North Shore Rowing Club.
188. Were you council clerk when this club was permitted to erect their shed? No. I have a copy of the minutes which refer to the matter. They extend over the years 1879, 1880, 1881. I produce the minute-book and a copy of the various minutes. [*Vide Appendix A 2.*]
189. *Mr. Williams.*] Could not a wharf for vehicular traffic be easily erected at Blue's Point? No; it is not in our borough.
190. Has any petition been sent in to the Government in opposition to the proposed wharf at the foot of Willoughby-street? Yes.
191. *Mr. Edmunds.*] Do you know that this action of the council has been taken upon legal advice? Yes; upon the advice of Mr. Salomons and Mr. Knox.

(SESSION 1887-8.)

THURSDAY, 27 OCTOBER, 1887.

Present:—

MR. IVES,	MR. LYNE,
MR. TRICKETT,	MR. R. BURDETT SMITH,
	MR. WITHERS.

I. E. IVES, ESQ., IN THE CHAIR.

Mr. P. O. Williams, Solicitor, appeared for the Petitioners against the Bill.
 Mr. H. H. Robey appeared in person for self and Mr. T. E. Cresswell.
 Mr. Pring, Counsel, appeared for the promoters of the Bill.

Donald Munro, Esq., called in and examined:—

- D. Munro, Esq., 27 Oct., 1887.
- Chairman.*] You are mayor of the Borough of Victoria? Yes.
 - You are aware that the Boroughs of East St. Leonards, St. Leonards, Victoria, and North Willoughby are applying to Parliament for power to erect wharves beyond their boundaries? Yes.
 - Will you tell the Committee the nature of the existing accommodation in your borough? The only accommodation we have is at Blue's Point, and it is very limited. The Council has called for tenders to erect three jetties. We got permission from the Government to erect those jetties on condition that we pay a total annual rent of £50 for them; but through some defect in the Municipalities Act we find that we cannot erect wharves beyond the line of reclamation. We apply jointly with the other boroughs for this Bill, so that we can expend money, without being subjected to annoyances by ratepayers beyond our boundary.
 - For the erection of how many wharves did you get permission from the Government—one or three? Three jetties; but we intend to erect only one at present.
 - What is the estimated cost of one jetty? £2,000. A tender has been accepted.
 - Have the council considered what income they are likely to derive from this jetty? They have not. They are simply, in the interests of the public, going to erect a jetty for the convenience of the passenger and vehicular traffic.
 - Mr. Trickett.*] It would be a very great convenience to residents and visitors? Yes; to the whole of the St. Leonards electorate.
 - The wharves will be built with a view to meet the requirements of transit boats, which will carry passengers and vehicles? Yes, and for the accommodation of watermen.
 - Chairman.*] Is there much traffic to the wharf as it now exists? Yes, there is a large traffic now. It is very seldom that there is not a vessel at the wharf. It is always utilized, and very often the traffic is completely blocked.
 - Mr. Trickett.*] Has any public meeting been held in favour of the Bill? No.
 - The general feeling of the public is in favour of the project? Yes; and more particularly since the tramway has been running to Milson's Point.
 - Chairman.*] You are borrowing money to erect wharves? No; we have borrowed it; it is lying at the Bank.
 - What interest are you paying? We are paying 7 per cent., and we are getting 6 per cent.

14. If you spend £2,000 on one jetty, and pay a rent of £50 to the Government, it will bring your annual outlay on that jetty up to £190? That has nothing to do with the question. We want to give accommodation to the public.

D. Munro,
Esq.

27 Oct., 1887.

15. But in order to give that accommodation it will cost you £190 a year? Yes; very likely.

16. So far you have not made any scale by which you will charge the public a rate for using this jetty? No.

17. *Mr. R. Burdett Smith.*] It is desirable, and it will be for the benefit not only of the ratepayers and residents of these four boroughs, but also of the public generally, to erect these wharves? Certainly; the place is blocked up through the want of this accommodation.

18. And not only the boroughs, and the ratepayers of those boroughs, but the public generally, are in favour of this proposal? Certainly.

19. *Mr. Withers.*] Do you think you will get £200 a year for that particular wharf? I cannot tell; I am told that we shall get £450 a year for it.

20. Has your Council ever discussed the question of probable rent? Oh yes; they expect to get £500.

21. Do you think that £500 is a fair return on an expenditure of £2,000? I should rather think so.

22. Have you brought the basis of your calculation with you? No.

23. Do you think yourself that there will be a revenue of £300 a year? I am quite sure of it.

24. *Mr. R. Burdett Smith.*] Apart from the question of revenue, it will be a general public benefit to have these wharves? Yes.

25. *Mr. Withers.*] On what did you base your estimate of the cost—on plans and specifications? Yes; we have an engineer; we had to submit the plans to the Government for their approval.

26. *Mr. Trickett.*] You would be able to utilize the wharves for the purpose of landing blue metal and other material that you required in the boroughs? No; not at this particular jetty; one jetty is meant for vehicular and passenger traffic; the other two jetties are intended for commerce of any sort.

27. You would be able to utilize one of them for the purpose I have named? Yes; two of them.

28. Would not that be a great advantage also? Yes; at present blue metal is landed at Blue's Point for the boroughs of St. Leonards and Victoria.

29. *Mr. Withers.*] How much larger is the proposed wharf than the existing one? It extends 160 feet; it is very superior to the present one.

30. *Mr. Lyne.*] What is the difficulty with the Government at the present time in this matter? Under the Municipalities Act we cannot expend money beyond our boundary, that is the line of reclamation which is laid down by the Harbours and Rivers Department; we cannot spend a shilling for the accommodation of the public beyond that line, without the consent of Parliament.

31. If you put up only one jetty will you still have to pay a rent of £50 to the Government? I do not know about that; I cannot exactly answer you.

32. What length of lease did you get? I am not prepared to answer the question.

33. *Mr. Trickett.*] Is there a written lease? No; I think we only got permission from the Government to occupy.

Edward Mann Clarke, Esq., called in, sworn, and examined:—

34. *Chairman.*] What are you? I am a timber merchant. I have been mayor of East St. Leonards.

E. M. Clarke,
Esq.

27 Oct., 1887.

35. You are aware of the intention of all the four boroughs at North Shore to apply to Parliament for power to erect wharves outside their boundaries? Yes.

36. What is your opinion with regard to the advantages that will be derived by East St. Leonards from the passing of the Bill? They will be very great, for the simple reason that at present we have only one wharf in the whole place. It is limited in width to about 50 feet, and the ends of the streets they now propose to use for wharf purposes are much wider, namely, from 100 to 115 and 200 feet in width. The wharf at the bottom of Eastern Wharf Road is let for £105 a year. The council were compelled to take that course because the land on either side had been alienated. On one side there is the Commercial Wharf, and on the other the North Shore Ferry Company's Wharf; and there was no room for a vessel to lie alongside the municipal wharf, without overlapping one of these wharves.

37. You are not in the Municipal Council at the present time? No.

38. Do you believe that this wharf, if erected, would be for the general good of the public, independently of the boroughs that are immediately connected with it? I certainly believe that it will be for the general good of the public.

39. At the present time there is no public wharf in East St. Leonards, except this one which is leased? It is the only one.

40. *Mr. Withers.*] Have you any idea of the probable revenue that will be derived from this expenditure? I believe that either of the wharves if erected will realize from £100 to £150 a year.

41. Are you aware of the amount which it is proposed to expend at Blue's Point? I do not know the exact amount; I know that they propose to erect a wharf there.

42. You have not seen any plan? No.

43. Do you think that an expenditure of £2,000 on a wharf there will be justifiable? I certainly do, because the wharf accommodation is very limited, and it is nearly always occupied.

44. Are you aware that the Government demand a rent of £50 a year from this wharf if it is erected? They not only demand it but they have been receiving it for some time.

45. Do you think that £190 a year, including that £50, would be a fair return for an expenditure of £2,000? We had plans prepared, during my mayorship, of three wharves, and the estimated cost of them was £2,500.

46. Have there been different proposals before the different councils? I do not think so; it was a general scheme.

47. Have you had any opportunity to arrive at any estimate of the revenue that will be derived from the erection of a wharf at Blue's Point at a cost of £2,000? Three years ago I was prepared to give £200 a year for the present wharf. From four to five years ago I paid the North Shore Ferry Company £250 a year for a wharf that had about 200 ft. frontage.

48. Do you think that the wharf might be let at £300 a year? I think so.

49. Is it likely to reach £500 a year? It will eventually.

50. You think it will be a good investment to build this wharf? Yes.

51.

E. M. Clarke, Esq.
27 Oct., 1887.

51. For the benefit of the city as well as of St. Leonards? I am sure of it; for instance, the Land Company of Australasia are now spending about £20,000 upon what we know as Whiting's brickyards. They are erecting kilns, and at the present time they have the wharf loaded with coal, although they are not nearly ready to begin operations. We have other brickworks in course of erection at the present time.

52. Do you think that the crowded condition of the traffic in Milson's Point Road justifies this additional wharf accommodation? I certainly think so; in wet weather it is not at all unusual to see horses slipping down and blocking the whole of the main thoroughfare.

Allan Douglas Bell, Esq., called in, sworn, and examined:—

A. D. Bell, Esq.
27 Oct., 1887.

53. *Chairman.*] You are an alderman of the Borough of St. Leonards? Yes.

54. Are you aware that the four boroughs of North Shore are applying for a Bill to enable them to erect wharves and do other matters outside their boundaries? Yes.

55. What water frontage has the Borough of St. Leonards? It has a water frontage at the end of all the streets that lead into Middle Harbour.

56. Is there any accommodation in the shape of wharves in your borough at present? Yes; there is a wharf at Mossman's Bay, which we leased lately from the Government, and which we have leased to the North Shore Ferry Company.

57. At the present time you cannot bring any material into the borough from Sydney, except through the Borough of Victoria, or the Borough of East St. Leonards? No.

58. And you consider that it would be of great advantage to your borough to be able to do so? Yes.

59. Have you formed any idea of the cost of the proposed wharves;—are there any wharves projected by your council? The wharf to be erected at the end of Musgrave-street, by the North Shore Ferry Company, was to cost £200.

60. And what rental would you derive from it? They took a lease for five years, at a rental of £20, and undertook to erect a wharf of the value of £200. We pay £5 a year, I think, to the Government.

61. If a wharf were erected at this place a transit boat would be able to run to it instead of to Milson's Point as at present; it would afford greater accommodation to the ratepayers in your borough, and save them a vast amount of haulage on the Milson's Point Road? Mossman's Bay would be further away from the centre of our borough than either Blue's Point or Milson's Point.

62. At the present time, whatever traffic there is between your borough and Sydney must go *via* Milson's Point? Exactly so. At one time the whole of the traffic went from a wharf at Blue's Point, until it was blocked.

63. Can you state the probable revenue that will be derived from the erection of the other wharves? No. The present wharf realises £150 a year. A small wharf at the bottom of a street, 40 feet wide, the Eastern Wharf, is rented to Mr. Grant for £150 a year.

64. *Mr. Withers.*] Do you think that the absence of these wharves is interfering with the general progress of North Shore? I do.

65. Do you think it would be a good investment for a private person to build the wharves? I am sure that if the corporation were allowed to erect the wharves, before very long we should have a penny ferry running to North Shore instead of a two-penny one, as at present.

66. Have you lived long in St. Leonards? For forty years. We have no more wharf accommodation now than we had forty years ago.

67. You think that the requirements of the district justify this expenditure? Yes.

68. *Mr. Williams.*] How do you know that the eastern wharf has been let to Mr. Grant for £150 a year? It was let by auction.

69. Were you present? No; I read the report of the sale in the newspapers.

70. What interest as regards water frontage has your borough in this matter? We have all the foreshores to Middle Harbour from Long Bay right round to Sirius Cove.

71. Why do you contemplate making wharves at present in your borough? We have not any wharf at the present time.

72. I suppose you are merely joining in this matter to strengthen the position of the other boroughs? We have no power to erect wharves. We land our goods at Blue's Point Road. We have no other private wharf to land our goods at.

73. Where else could you land? At the bottom of High-street.

74. What is the width of High-street? It is 40 feet, I think.

75. Do you suppose you can get private land there? No.

76. Is it not a fact that the present wharf, the one that the Ferry Company are using, is at the bottom of private property? No; it is at the bottom of High-street.

77. Is it not at the bottom of a road 30 feet wide? 40 feet, I believe.

78. It is not High-street proper? It is the bottom of Whaling Road. High-street runs into it.

79. Do you swear that the wharf is not erected at the bottom of private property—not at the bottom of a street? I am prepared to swear that it is erected at the bottom of a street, between the properties of Mr. Lord and Mr. Hayes.

80. Do you not know that the approach to the wharf is by private property? I do not know it; I know it is a public road under the control of the Borough Council.

81. The wharf which is being used is sufficient for all necessary traffic; it is a very good wharf, is it not? It may be good enough for the passenger traffic. It belongs to the North Shore Ferry Company. It is not a place at which you could land coals or goods in any quantity.

82. Is there not a wharf belonging to Mr. Hayes round the corner, at which goods could be landed? What has the borough to do with that?

83. Is it your idea that if the borough get power to have wharves they shall have power to lease them? I do not think the council should have power to lease all the wharves. I think that a landing-place should be reserved at each wharf for the public, and for private boats.

Joseph Waterhouse, Esq., called in, sworn, and examined:—

J.
Waterhouse,
Esq.
27 Oct., 1887.

84. *Chairman.*] You are an alderman of the Borough of East St. Leonards? Yes.
85. Are you aware of the nature of this Bill? Yes.
86. It is an understood fact that the ends of streets at high-water-mark is the boundary of the Municipality, and that you wish power to erect jetties beyond that limit, and to utilise those streets? Yes, that is the object of the Bill.
87. What steps have your borough taken in reference to this matter? They have got permission to borrow £3,000.
88. Have you already borrowed any money? No; we have permission to borrow for wharf purposes.
89. Have you any estimate of the cost of any of these jetties? Yes, we have plans and specifications for three wharves, namely, for one at the Western Road, one at Willoughby-street, and one at High-street. The estimated cost of the work is about £3,000. We should not be compelled to build three wharves. We could borrow £1,000 to build one where it was most urgently required.
90. Would it be to the public benefit to spend that amount for this purpose? Yes; I may say that we have no wharf accommodation at Milson's Point at present. We have one wharf, the eastern wharf, which was let I think for three years, because we could get no one to land any goods there. It has a frontage of only 50 feet, without overhanging Mr. Grant's wharf on one side, or the North Shore Ferry Company's wharf on the other, so we thought it best to let our wharf for £105 a year to Mr. Grant.
91. At the present time, with the exception of this wharf, the borough has no public wharf accommodation? None. All the wharves are in the hands of private individuals. There is no chance of getting a wharf there anywhere. The western wharf is hemmed in by Government properties. They have 60 feet of our frontage hemmed in.
92. If you erect one or more jetties will they be free to the public; will there be a scale of tolls? We would let the wharves.
93. Would the general public be called upon to pay a toll in order to cross the wharves? Oh, no; I consider that in each instance there should be a certain amount of accommodation reserved for the public, light boats, &c. I believe we should have the power to take wharfage for goods the same as we have at the eastern wharf. I feel certain that if a wharf were erected at either Willoughby-street or High-street it would produce £100 a year. A little time ago the Government landed certain pipes in connection with the water supply on the eastern wharf, and although there is a clause in the lease that such material shall be landed there free of charge, still we had to pay Mr. Grant £50 or £60 for demurrage before the pipes could be shifted. There is no room for landing such heavy material on this wharf. We have to pay wharfage for landing such material on a private wharf.
94. From the natural formation of the land the whole of the traffic is brought on to the Milson's Point Road? Yes.
95. Consequently the outlet is not nearly sufficient for the requirements of the district? No; I have seen several accidents to carts in consequence of the trams running on the main road. There is only a space of 20 feet between the track and the kerb.
96. Any of the proposed wharves would divert the traffic from the main road? A wharf at High-street would divert it altogether from that line, and one at Willoughby-street would relieve the main road altogether, except about 200 or 300 yards.
97. *Mr. Withers.*] For how long have you lived at St. Leonards? For fifty years; since I was a boy.
98. Are you in a position to form an estimate of its requirements in this respect? I think so. I was actively engaged in business there for ten years.
99. Do you think that the district has suffered from the want of public wharf accommodation? I feel quite sure that it has. I was engaged in the wood and coal trade. I used to have hundreds of tons of coal delivered at the wharf, and it used to cost me 1s. 3d. to get the coal carried into my yard.
100. You think that the people are inconvenienced through the want of proper accommodation? Yes, and property has depreciated in value, too.
101. Would you invest in a speculation of this kind yourself? Yes; I think it is a good investment for anyone. I know a gentleman who has spent about £10,000 in erecting a store and a wharf.
102. In what quarter does the opposition to this Bill arise? It comes from only the North Shore Rowing Club, who own a boat-house at the bottom of Willoughby-street.
103. What can their objection be? Because they have built a boat-house on the wharf, and it would be an expense to them to remove it.
104. In the event of the Bill being passed would the council act arbitrarily towards them? I think I should like to give them some compensation for the removal of the shed before I spent money in any other way. We offered them some time ago a site either at Beulah-street, facing the Circular Quay, or at Peele-street.
105. If the Bill is passed will you operate on that wharf at Willoughby-street? A sum of £200 was voted last week for kerbing and guttering the street, and we cannot go any further until the Bill is passed.
106. *Mr. Pring.*] I suppose you know pretty well what the popular feeling in the district is with regard to this Bill? Certainly. A petition was signed by 523 persons for the removal of the boat-house and the erection of wharves, and only four persons signed a petition against the proposal.
107. The great weight of public opinion is in favour of the Bill? Yes, in the four boroughs.
108. *Mr. Withers.*] I suppose it was a matter of regret on their part that they should be called upon to petition for the removal of the boat-house? Yes, we have offered the club the choice of two sites, but they will not go from Willoughby-street.
109. Is it to the interest of the borough that these people should move on? Yes, I may say that on the assurance of the council that Willoughby-street will be completed, two gentlemen have spent some thousands of pounds on the erection of fine houses there.
110. *Mr. Williams.*] Suppose the council were to build a wharf at Willoughby-street, what would they do with it? Let it.
111. And would they do the same with a wharf at High-street? We have done nothing at High-street. The Ferry Company has jumped the claim.
112. Suppose you got permission to erect a wharf there, would you let it also? If we thought it necessary to have more than one wharf we should build one at High-street with a view to let it.
113. Do you think that a wharf at Willoughby-street will pay? I can see that Mr. Grant's wharf pays.

- J. Waterhouse, Esq.
27 Oct., 1887.
- I see half a dozen vessels which cannot get unloaded for want of accommodation. We can get no place at which to land our blue-metal. We shall suffer this great expense of paying wharfage until we can get this additional accommodation.
114. If you let the wharf would you have to pay for the landing of the metal all the same? We should make provision like we have done at the eastern wharf that all such material should be landed free. I know one person who is willing to give £200 a year for the wharf at Willoughby-street when it is erected.
115. The name of the person? I decline to give the name. He is a gentleman who resides in the district.
116. Is it Mr. Bale? No, it is not.
117. Is it Mr. Glacken who is going to give £200? No; he is opposed to making a wharf there.
118. Who is the person? I decline to give his name; but I may say that when I leave the Borough Council I shall very readily give £200 for the wharf myself.
119. *Mr. Withers.*] Have you any idea of giving up your seat in the council? I cannot be too sure of the result of the next election. It is not a bed of roses to be an alderman.
120. *Mr. Williams.*] What is the estimated cost of the wharf at Willoughby-street? £1,000. We do not expect to spend more than that amount altogether.
121. Would that be sufficient to put up a wooden structure, facing walls, and everything necessary? It will do all that we want to do.
122. *Mr. Pring.*] Did you get this estimate from a professional man? Yes, from Messrs. Humphreys and Cracknell. It cost us £70 for plans and specifications.
123. *Mr. Williams.*] What is the grade of Willoughby-street? It is 1 in 14; a lower grade than you will find in either Erskine-street or Woolloomooloo.
124. Is it not very much steeper towards the top? Two or three feet are being cut off there now.
125. About 100 yards before you come to Alfred-street is not the grade more than 1 in 14? When we take off those 2 or 3 feet it will not be more than 1 in 14 or 1 in 14½.
126. How much does the Borough of East St. Leonards owe? I think that our standing debt is about £18,000 or £19,000.

Perey Augustus Temple, Esq., called in, sworn, and examined:—

- P. A. Temple, Esq.
27 Oct., 1887.
127. *Chairman.*] You are council clerk at the Borough of East St. Leonards? Yes.
128. Do you produce the plans and estimates of the proposed jetties? Yes, at the foot of High-street, Willoughby-street, and Western Wharf Road. [*Produced.*]
129. In the event of the Bill being passed, which wharf does the council intend to erect first? I cannot say; we have permission from the Government to borrow money for the erection of three wharves.
130. What is the width of Willoughby-street? It is 50 feet.
131. In the authority which the Government have given you for the erection of wharves they also grant you a right to a small triangular piece of land near Willoughby-street? Yes.
132. The whole frontage which you derive from the Government gives you a side line of about 120 feet to Willoughby-street? Yes, without overlapping any adjoining boundaries.
133. What is the estimated cost of the jetty? We propose to spend £1,000 there.
134. Will the extension of the wharf 120 feet alter the grade of Willoughby-street to any material extent? It will make it considerably easier; the grade for the first part, Kirribilli-street, one-third of the distance, is 1 in 14, and for the rest of the distance it is 1 in 17, which is easier still.
135. Has the council made any estimate of the probable rent from the wharf? No estimate has been made.
136. What do you think would be a fair return on the outlay? I think that the council should get at least £250 a year when the wharf and the road are made. The wharf will have a frontage of 120 feet, and a depth of 120 feet.
137. Although you have permission to borrow money, you have not borrowed any yet? No; we are waiting until the Bill is passed.
138. *Mr. Pring.*] Have you the Government's promise of the lease of the triangular piece of land? Yes; I hand in the letter. [*Appendix A 3.*]
139. *Mr. Williams.*] The council have the promise of the lease of this piece of property if the Bill goes through? It is to that effect. The lease of the Western Wharf Road is completed; we have paid the money; I produce the authority to occupy. [*Produced.*]
140. What is the total income of the Borough of East St. Leonards from rates and other sources? It was £4,800 this year.
141. After deducting the salaries and working expenses, including the item of interest, what is the net income? I think that we should have £3,000 to expend on new works.
142. How much do they owe? £15,000.
143. Not more than that? No.
144. What is your overdraft at the Bank? We have a credit at the Bank of close on to £1,000.
145. What interest are you paying on the £15,000? 6 per cent.
146. Have the council any definite offer from anyone to take the wharf at Willoughby-street when it is erected? Not that I am aware of.
147. The proposal is to let the wharf? I have every reason to believe that they will let it, reserving a right for private boats and steamers to land passengers there free of charge.
148. Have you had any letters from gentlemen who signed the petition, desiring to withdraw their signatures? None whatever. I know of no objection to the Bill, except on the part of the rowing club.
149. A number of property-owners have objected to the Bill? No.
150. Have they not petitioned the Lands Office against the granting of the lease? I do not know, as a matter of fact, that they have done so. I know that most of them are members of the North Shore Rowing Club.
151. *Mr. Pring.*] Do you know whether the council have ever offered the club another site for their shed? Yes.
152. Have they on more than one occasion made such an offer? Yes; on two occasions. The council offered them the choice of two or three sites, but they received no reply. The sites were at the bottom of Beulah-street, Walter-street, and, I believe, Peele-street.
- 153.

153. *Mr. Withers.*] How long have you resided in the district? Six or seven years.

154. Apart from your official position, do you conscientiously believe that the proposed wharf accommodation will be for the general benefit of the community? Yes; and a special advantage to the residents of North Shore. It is an immense district, and it has only one artery, as it were, namely, Milson's Point Road, which is blocked in every way now by the trams.

P. A. Temple,
Esq.

27 Oct., 1887.

William Alexander, Esq., called in, sworn, and examined:—

155. *Chairman.*] What are you? I am, I suppose, a gentleman; I do nothing; I am a resident of Willoughby-street, St. Leonards.

156. How long have you lived there? Two years.

157. Are you aware of the nature of this Bill? I am.

158. Do you know the nature of the existing wharf accommodation? I do; it is my opinion that it is very inadequate now for the rapidly-increasing population at North Shore, and also that it is very dangerous. I believe that we have only this one wharf, known as Milson's Point, and it is particularly dangerous since the tram-line has been laid, and these carriages run up and down. There is, certainly, not sufficient room for a heavy load to be taken up the street with safety. It was necessary before the tram was made, in consequence of the incline, to cross the street, and go by stages in order to get to the top of the hill. It is a frequent occurrence to see a cart stuck up on the road until the tram has passed. There is no other street at North Shore more suitable for a public wharf than Willoughby-street, inasmuch as it is closer to the centre of population. It would be a much easier grade if the road were properly made according to the plans than the Milson's Point Road.

159. What would the grade be in Willoughby-street? I believe it would be 1 in 14 in the worst part of it.

160. You have had plenty of opportunity to notice the great want that exists for further wharf accommodation? I have had ample opportunity to see that it has been a great drawback to property-holders and ratepayers that the street has not been improved. We have been told repeatedly by the Council that it will not be improved until we get a public wharf at the foot of the street.

161. *Mr. Pring.*] I suppose you know pretty well what the feeling of the people is with regard to the Bill? Yes; more particularly on account of having interested myself in getting signatures to the petition in favour of the measure. Everyone was pleased to think an effort was being made to get more wharf accommodation. I do not remember that we met with any opposition to the petition, except that which emanated from the boat club, who are private people occupying the end of a public street, for which the Council is supposed to pay £40 a year to the Government.

162. The members of the club are not ratepayers? I do not think that many of them pay rates.

163. *Mr. Withers.*] Is it a wooden shed? It is a wooden shed, erected at the very end of the wharf, and it would be very easy to remove it. I had a great inclination to employ a tug, at a cost of £5 or £6, to pull it out into the water, and let it float. I thought that the members of the club would be more independent if that were done; they have been struggling hard against the whole community.

164. *Mr. Williams.*] Were you one of those who threatened to pull down the club shed? No; this is the first time that I have mentioned the matter; I always do things openly; I thought that this was the best place to give expression to my opinion on the subject.

165. *Mr. Withers.*] Do you think it will be a general benefit to the community to pass this Bill? I am perfectly satisfied on that point.

Edward Aiken, Esq., called in, sworn, and examined:—

166. *Chairman.*] What are you? I am nothing at present; I am living on my means; I reside at St. Leonards; I have lived there for more than twelve years off and on.

167. Have you at any time been engaged in business there? Yes; I was in the saddlery business at one time.

168. Have you had opportunities during that time of noticing the increase of traffic and the restriction as to wharf accommodation? Yes, constantly.

169. You are aware of the contents of this Bill? Yes.

170. From your general knowledge of the place are you of opinion that it would be of general benefit to the whole district to pass the Bill? Certainly; it is the wish of the people that it should be passed; I was one of those who went round to get signatures to a petition in favour of the Bill; everyone was in favour of the project. I believe we could have got thousands of signatures if we had tried. I never met a soul who was against the Bill.

171. The only outlet at present for the vehicular traffic is at Milson's Point? Yes.

172. There is no other place in the district, with the exception of the wharf at Blue's Point, where any bulk goods can be landed? No.

THURSDAY, 10 NOVEMBER, 1887.

Present:—

MR. GARRETT,
MR. LYNE,

MR. TRICKETT,
MR. WITHERS,

MR. R. BURDETT SMITH.

I. E. IVES, ESQ., IN THE CHAIR.

Mr. Pring, Counsel, appeared for the promoters of the Bill.

Mr. P. O. Williams appeared for the Petitioners against the Bill.

Thomas Edgar Creswell, Esq., called in, sworn, and examined:—

173. *Chairman.*] You appear here in support of the petition against this Bill? Yes; I represent the Rowing Club, who have presented a petition to that effect. It is signed by myself as captain, and Mr. H. H. Robey as secretary, of the club.

T. E. Creswell,
Esq.

174. 10 Nov., 1887.

T. E. Creswell,
Esq.
10 Nov., 1887.

174. You set forth in the petition, "That the North Shore Rowing Club has for the last eight years occupied a portion of Careening Cove, at the foot of Willoughby-street, adjoining a small stone pier, also at the foot of such street";—by what authority have you occupied this position? I was not a member of the club when it took possession of this place. As far as I can understand we are in possession under a Government lease granted for the purpose of a rowing club. We paid rent to the Government until, I think, January, 1886, and we paid rates to the borough of East St. Leonards as ratepayers.
175. You have no document to show by what authority you occupy? I have no document. There was a lease in existence. I have seen it.
176. You set forth, "That the borough of East St. Leonards applied for a lease of the same site, and your Petitioners lodged objections with the then Minister for Lands against the granting of such lease"? Yes, we did.
177. How was it that this council applied for the same site as you were supposed to occupy? We were given to understand that they wished to build a wharf there; that some persons who had purchased some land in that vicinity required a wharf there.
178. And you lodged an objection to the Bill in order to prevent them from building a wharf at the foot of Willoughby-street? Yes.
179. On the ground, as you state further on in the petition, that it would interfere with the club? Yes, and on the grounds that the stone pier which is already there is all that is required, and that a public wharf is not required at all.
180. How do you arrive at that conclusion? The gradient of Willoughby-street is so very steep that a wharf at the foot of it would be almost useless for merchandise or wood and coal, and as for passenger traffic there would not be sufficient room for a steamer to turn round, especially at low tide; in fact, so few people live in the street that a wharf would not be of much use there.
181. Is it not a fact that the gradient is being reduced to such an extent that the street will be suitable for vehicular traffic? The council are doing what they can, I think, to that end; but my idea is that they will never be able to so make the street that a horse can pull a load up, because it is so very steep.
182. Why do you say, "That in the event of the proposed Bill becoming law, such club must be disbanded"? Because we have nowhere else to go to for one thing, and if we had we could not bear the expense of removing our shed.
183. Is it not a fact that the club has been offered the choice of two sites where the shed would be in no one's way,—sites quite as good as the present one? We were offered two sites, but we refused the offer for two or three reasons. First of all, neither site is suitable for a rowing club; and in the next place we took it that the council have no power to offer us a site, seeing that the Government exercise control over the water, and as we were there as tenants of the Government we decided to remain in our present position, although the council offered us a site at the foot of Jeffrey-street, still they have so made the street as to provide for a wharf apparently. It looks as if it is finished as if they intended, when the Bill is passed, to have a wharf there also. I do not know whether that is their intention or not, but it looks as if it were. We were under the impression that if we were to move our shed to that site we should get notice to quit in course of time. The other site in Lavender Bay is not at all suitable for our purpose.
184. What do you think it would cost to remove your boat-shed? It all depends upon the new site. If we had to move it to some different site altogether round in Lavender Bay or Neutral Bay, I daresay it would cost a couple of hundred pounds; but if we could move it, as I suggested in the petition, to the opposite site of Willoughby-street, it would cost us about £50.
185. I do not see such a suggestion in the petition? At all events it is a suggestion of mine if it is not stated in the petition.
186. What was the cost of the shed? I cannot say.
187. You have never seen any documents giving the club authority to occupy this site? I have not seen any letters, though rent has been paid since I have been a member of the club.
188. *Mr. Pring.*] For how long have you been a member? Seven years.
189. Do you not know that the club originally applied to the Government for a lease of the site, I think about seven years ago, and that the Government refused the application? No.
190. Do you not know that it was the council of East St. Leonards who had a lease of it? Yes; I believe they had a lease; but I say that we hold under a Government lease. The council got a lease for the purpose of a Rowing Club. Of course they cannot carry on a club themselves.
191. Have you any document which will bear out your statement? Not here; there is one in existence.
192. Where is it? Mr. Robey has the custody of all the documents of the club.
193. You know something about the management of the club? Yes.
194. Has it ever paid a penny rent to anybody? Yes, to the Government, up to January, 1886.
195. Although it was the council who had the lease? Yes; we paid rates to the council.
196. Have you any receipts to show for the rent you paid to the Government? I have not. I daresay that Mr. Robey has them.
197. It is your opinion, I understand, that more wharves are necessary for North Shore? I do not think so.
198. You think that the wharf at Milson's Point is sufficient? Oh, yes.
199. For the whole of North Shore? For East St. Leonards. I am a ratepayer of only East St. Leonards; I know nothing of any of the other boroughs.
200. Is it your opinion that the Milson's Point Ferry is sufficient for the purposes of all the people on that side of the water? Yes. The Neutral Bay Ferry serves the other side.
201. I suppose you know the gradient of the Milson's Point Road? Yes.
202. It is a very steep gradient? Not from the ferry. It is pretty steep from what they call the public wharf, where they land wood and coal and stone.
203. Do you know what your boat-shed originally cost? No; I have no idea.
204. I think you are a solicitor in Mr. John Lawson's office? Yes.
205. Are you a property owner at North Shore? No; I am only a ratepayer; I rent a house.
206. You have no commercial dealings over there? No.
207. *Mr. Williams.*] In your opinion is it desirable to empower the municipality to expend rates in the erection of wharves indiscriminately at the ends of the various streets under its control? It is a most undesirable power, I think, to give to any council.

208. What is the state of the footpaths and of a great many roads in your borough? I think that they are a disgrace to us. T. E. Croswell, Esq.
10 Nov., 1887.
209. How was it that the lease came to be given at all to the council in the first instance? I cannot say, for I was not a member of the club at the time; but I know that the lease stated that it was for the purpose of a rowing club.
210. Have you had frequent opportunities to observe the state of the traffic on the Milson's Point Road? I have passed up and down there nearly every day for the last seven years.
211. Several witnesses have said that it is a constant thing to see the traffic blocked there;—have you seen anything of that kind? I have never noticed any block. I have noticed a horse jibbing on the road now and again; but I do not call that blocking the traffic.
212. Is the road at present more than sufficient for the traffic? It is indeed.
213. Have you been up and down the road at various times of the day? Yes, at all hours. I go up and down the road five or six times a day, I suppose, altogether.
214. *Mr. Pring.*] I suppose you have never been down the road at 5 o'clock in the morning? Not as early as that; I have been down at 6 o'clock.
215. You know that there is a very heavy traffic in fruit on this road? Yes.
216. Have you ever been down when the fruit carts have been there in the early morning? No.
217. I suppose as a rule you go down there about 9 o'clock, take lunch at home, and return finally about 5 or 6 o'clock in the evening? Yes.
218. So, between 9 o'clock and 1 o'clock, and 2 o'clock and 5 o'clock, you are in Sydney? Yes. I do not think fruit carts could go down Willoughby-street if they could not go down Milson's Point Road. I should be very sorry to take a horse down Willoughby-street with a load.
219. *Mr. Withers.*] You think that the Borough Council is not a suitable body to be entrusted with the powers of this Bill? No; I think that the Government ought to have control of all water frontages.
220. The municipalities will not have absolute control; they will be tenants of the Government? Yes, except that the ratepayers will have to pay the interest on the borrowed money. I do not think that the rent which they will get from the wharves will be sufficient to pay the interest on that money, especially as regards the wharf at Willoughby-street.
221. Do you think that the proposed wharves will tend to increase the revenue of the borough from the building of large houses and so on? I only speak as regards East St. Leonards. I do not think it will have that effect. I think we have enough wharves there already.

Prosper Orleans Williams, Esq., sworn, and examined:—

222. *Chairman.*] You are one of the petitioners against this Bill? Yes. I am a solicitor, and also a resident of East St. Leonards. P. O. Williams.
10 Nov., 1887.
223. Amongst other things in your petition you state: "That the erection of such wharves is unnecessary;"—why do you think that it is unnecessary? North Shore is now opening up faster than the Municipality can keep pace with. I think that when you see evidence of a place populating to the enormous extent that it is, it is a sure sign that further wharf accommodation is unnecessary. Another reason why I object to this wholesale power being given to the municipalities is this: Even supposing you have a competent body to day, next year you may have a most incompetent, corrupt, and spendthrift body to deal with this matter. There are I suppose, commencing from the Port Jackson Company's property round to Neutral Bay, at least ten roads at the foot of which the municipality could erect wharves if they chose. It is a notorious fact, I think. I do not speak of only East St. Leonards—that most municipalities squander a great deal of money, and I think that the powers which they already have under the Municipalities Act are amply sufficient to enable them to make mistakes of this kind. I do not say that as a rule they do it from any reason but mistake.
224. How many wharves, public or private, are there at present to accommodate the whole of the northern side of the harbour, that is for loading and unloading vessels, and taking merchandise to North Shore by other than the horse boats? There is a wharf at Blue's Point, a public wharf at Milson's Point, Mr. Grant's wharf, Mr. Wilson's wharf, at the foot of Jeffrey-street, Mr. Hayes's wharf round in Neutral Bay, and the wharf below Mr. Mann's place.
225. Is it possible for a vessel to lie alongside and discharge cargo from the ship's side? It is quite possible for vessels to lie alongside the eastern wharf—because I have seen them there myself—Mr. Grant's wharf, and Mr. Wilson's wharf. Part of the North Shore Ferry Company's property is let, I think, to some coal merchants. I do not know exactly what depth of water there is at Blue's Point. I believe that vessels can discharge there. Not only is it possible to remove cargo from vessels; but I have seen goods being removed.
226. What is the grade from the eastern wharf; why was it let to Mr. Grant? I cannot say.
227. Is it not a fact that the adjoining wharves render the eastern wharf useless to the corporation? I do not think so. I do not agree with that idea at all.
228. To a very large extent useless to the corporation? No.
229. What rental are they getting for it? I am told £105.
230. Why did they let it? For the same reason that they will attempt to let these wharves if they are erected; as they have expressed their intention of doing. They have an idea, I suppose, that they will get some revenue.
231. Do you not know as a matter of fact that a vessel of any size lying alongside Mr. Grant's wharf would overlap the eastern wharf, and thereby be liable to dues from the corporation; that, on the other hand, a vessel lying at the eastern wharf would overlap Mr. Grant's wharf, and consequently that Mr. Grant and the corporation would always be at loggerheads? It might happen that vessels placed in certain positions would overlap. Certainly they need not overlap the eastern wharf from Mr. Grant's wharf. It is quite a matter of Mr. Grant's choice. I suppose he has room to take a vessel alongside of a couple of hundred feet—of 150 feet at least—if he has depth of water. I think that this Bill affords a gross opportunity to a municipality to speculate in a manner which was never intended, and ought not to be allowed, in view of the promise of a Local Government Bill and a Harbour Trust. As to the accommodation at Milson's Point being insufficient for traffic, it is nonsense. There is a splendid road there now. I have been there at all times of the day, and I will undertake to say, except perhaps on one or two trips, there is never any inconvenience at all.

- P. O.
Williams, Esq.
10 Nov., 1887.
232. The Milson's Point wharf of which you speak is private property? Yes.
233. The Ferry Company which owns the wharf has utilized a very large portion of it with buildings? They have erected some buildings.
234. Would there be sufficient wharf accommodation if they were to continue those buildings round the whole of their frontage? I do not suppose the Company are going to interfere with their horse traffic. If they were to put a line of buildings round the whole of their water frontage there would be no accommodation.
235. They could take the horse traffic the same as they do the passenger traffic, under an arch? Exactly. I say that there is ample accommodation for many years to come.
236. *Mr. Withers.*] Do I understand you to say that the rapid progress of the boroughs is evidence that the wharves are not required? I say that wharves are not required to develop the boroughs, as has been stated by some witnesses.
237. Are you not reversing the natural order of things? No. I say that at the present time extra wharves are absolutely unnecessary for the development of that borough; it is going ahead a great deal too fast; faster than the municipality can keep pace with.
238. Are you of opinion that as the boroughs of North Shore approach the proportions of the City of Sydney less wharf accommodation will be required? No.
239. It is stated in evidence that the want of wharf accommodation is throwing the borough back? That is nonsense.
240. You think then that the construction of wharves will retard the further development of the place? I do not think that. It would not help it a bit. There was evidence given before the Committee last session as to the desirability of establishing a horse ferry at the foot of High street. I say it is absurd; and that nobody with any hope of making the ferry pay would establish one for the next ten or fifteen years. This Bill does not give power to erect a substantial wharf at some place where it was shown it would be of general utility to the borough, but it gives general power to erect wharves whether they are wanted or not.
241. *Mr. Pring.*] I understand you to say distinctly that it would not be to the advantage of the ratepayers and the residents of these boroughs that they should have this power to erect wharves? In my opinion it would not. Many of the roads and the footpaths are in a disgraceful state. Within a quarter of a mile's walk from the Post Office of Sydney until the last week or two you had to walk over cinders. I say that if the borough is to be allowed to expend rates in paying interest on the cost of useless wharves the ratepayers will suffer very greatly.
242. Do you not think that by letting these wharves—by taking dues at them—they will produce a very much larger sum than the interest on the proposed loan? I am quite sure that they would not.
243. You have given us an instance of a wharf being let at £105 a year; do you not think that the proposed wharves would let at the same rate? I do not believe that you would get £100 a year for a wharf at Willoughby-street. Even if it did produce a little more than the interest on the outlay the cost of maintenance and repairs would make it nil almost.
244. It is your opinion that actually the revenue would be nothing at all? Yes, practically. I regard it as a speculation.
245. Are you a shareholder in the North Shore Ferry Company? No.
246. Are any of your relations? I believe that Mr. James Milson, my father-in-law, has some shares.
247. He is a very large shareholder? No, rather a small one, I think.
248. Are you a member of the North Shore Rowing Club? Yes, for the last four or five years.
249. Have you anything to do with its financial affairs? No.
250. I suppose you know nothing about the lease or the rent? Nothing, except what I have heard.
251. How many of the wharves which you have mentioned are public wharves? I believe that there is a public wharf at Blue's Point and at Milson's Point.
252. How long have you lived at North Shore? Fourteen years.
253. How has the borough progressed during that time? It has been extending rapidly. I suppose that where there was one person when I went there fourteen years ago there are fifty now. It is increasing very rapidly. If the Bill is passed I think it very undesirable that the Municipality should have power to lease these wharves.
254. *Mr. Garrett.*] You object to the clause giving them that power? I object to such power being given. A municipality should not be allowed to speculate. Directly they erect a wharf they will lease it, and then it will become private property at once. I think that if a wharf is erected for the public good it should be kept for the use of the public by the municipality.
255. Under the direct control of the municipality? Yes; not in the hands of any private individual. They pretend to obviate the difficulty by inserting a clause reserving certain rights to themselves; but we all know that private individuals can break their contracts and agreements. They constantly do it, and I think that something of that sort has happened with regard to Mr. Grant's wharf, because they say it is of no use to them, and that they have to land their materials on private wharves. At all events a man who has leased a wharf from a municipality is entitled to block it up the same as any other man is. It is not a public wharf once it is leased to a private individual. I quite agree that in any event before the erection of a wharf the ratepayers should have an opportunity of saying whether it shall be done or not, in order that an unsuitable wharf shall not be built in an unsuitable place.
256. *Mr. Withers.*] What would it cost to take a poll of the ratepayers. It might cost the value of a wharf? It ought not to cost anything, because there ought to be a public notice given that a poll would be taken at some place or other.
257. How would that notice be given? Through the press.
258. But that would cost money? If they are to expend something like £1,000 or £1,500 on a wharf, I think they ought to expend a few pounds in giving notice to the ratepayers that it is about to be done.
259. Would a couple of hundred pounds be a fair expenditure for that purpose? It ought not to cost £25.

Walter Liberty Vernon, Esq., called in, sworn, and examined :—

260. *Chairman.*] What are you? I am an alderman of East Leonards. I have been an alderman for nearly three years, and a resident of East Leonards for four years. W. L. Vernon,
Esq.
10 Nov., 1887.
261. Have you taken any notice of the requirements of the place as regards wharf accommodation? It has always struck me that the wharf accommodation is utterly inadequate to the necessities of the future of the borough. There are $6\frac{1}{4}$ miles of water frontage, and at the present moment there is only one wharf, and that only partly so, in the possession of the corporation.
262. What is the frontage of that public wharf to the harbour? I cannot say; it is very small. It is the one occupied by Mr. Grant.
263. Is the situation such as to render it at all times available to the public? Oh no, it is blocked up by the traffic from the Ferry Company's property. There is always a block there; and I believe it is always more or less difficult to get alongside.
264. Has it a straight frontage? No, it is inside a sort of bow; it is the centre of the bow. There was a scheme to take it further out and get rid of that difficulty, but circumstances have stood in the way.
265. Are there any wharves accessible to the public for the loading or unloading of vessels with suitable approaches for carts? Not one.
266. In the other boroughs? At Blue's Point I believe there is one. I do not think there is any other. I do not think that St. Leonards has one, except in Middle Harbour.
267. Do you think that the erection of wharves would confer a great benefit upon the district? I feel sure that it would. I do not think that North Shore will be enterprising until it is given access to the city in all directions.
268. At the present time is there any sign of activity there; is it increasing or is it at a standstill? It is almost at a standstill. Small suburban houses are going up. This does not add materially to the importance of the place. I believe it is due to the want of proper facilities for bigger enterprises. The corporation is met in every way with difficulties in this respect.
269. *Mr. Williams.*] Suppose Parliament grants this power which will enable these gentlemen of enterprise to enter on their great schemes what special benefits do you think they are going to confer upon the borough? It will facilitate the landing of cargoes of all description.
270. What particular kind of cargo would the wharves be used for? It is difficult to say. I hope that North Shore will have plenty of manufactures some day. There is nothing to encourage enterprise now. It is difficult to characterise the particular cargoes. If North Shore is to be anything like a large community; if it is to be North Sydney, cargoes of every description should be able to be landed there.
271. Are you able conscientiously to say that there is any difficulty whatever in getting any description of goods taken over to North Shore? I believe it is possible to have things taken over.
272. Have you had any difficulty yourself? I have had very great difficulty and undergone very great expense.
273. In what way? I have built a large property in Neutral Bay, and I have had to get the whole of the material carted over from Grant's wharf. It means going right to the top of the Military Road, and coming down very steep pinches, adding very materially to the cost. It adds something like 3 miles to the distance, whereas you ought to be able to land goods at the head of Neutral Bay. It has cost me I cannot say how much to cart my goods round.
274. Have you not power to land any cargoes at the wharf where the Ferry Company's steamers ply? You cannot do it. It is a passenger wharf. It has been jumped by the North Shore Ferry Company.
275. I do not mean at High-street; I mean at Neutral Bay? We have no right to do so; it is a Government wharf, and the Ferry Company land passengers there purely on sufferance.
276. Would not the Government give you permission to land? It is not constructed for heavy traffic.
277. Did you ever apply for a wharf? No, because we should be rated at a higher rate.
278. Even if you erected a wharf would not the Government rate you all the same? I am afraid that we should be so rated, still we should construct wharves suitable for the traffic. All traffic has to go through the waiting-room, which is only constructed for passenger traffic. The wharf is suitable for passengers only, and not for goods. It is not strong enough for goods. There is not frontage enough, and a vessel would heave round in all directions.
279. There would be no difficulty in removing that waiting-room? It belongs to the Government.
280. Do you think, in view of the fact that the *personnel* of the municipalities is always changing, that it is desirable that they should be given this wholesale power to erect wharves where they like, irrespective of there being any necessity for them at the time? I say that a municipal body is the proper authority to erect wharves, and further, that if the aldermen do not discharge their duties faithfully, public opinion will always make itself felt at the proper time.
281. In sufficient time to prevent the erection of the wharves? I think that public opinion would put an end to the project in a moment. If we had power to build half a dozen wharves at North Shore, and we foolishly said, "We will spend £20,000," public opinion would say, "No, only build two or three to begin with," and their wishes would be carried out.
282. As regards the wharf at High-street, it is erected at the foot of private property? No, at the foot of public property.
283. Do you swear that it is at the foot of public property? Yes.
284. The approach to the wharf is private property? No, it is a public road.
285. One of the objects of the Bill, I think, is admittedly to turn the North Shore Ferry Company out of the place? I do not think so; I have not heard that much.
286. That is what you intend to do though? No, I think we will encourage passenger traffic all we can. That is my idea.
287. *Mr. Pring.*] In your opinion the progress of North Shore is being retarded by the want of wharf accommodation? I say so most decidedly.
288. *Mr. Withers.*] I believe you are a professional gentleman? I am a civil engineer and an architect. I am a member of the firm of Waddell and Vernon.
289. Have you had opportunities to witness the rise and progress of such suburbs as North Shore in other countries? Oh yes.
290. What is your idea of the prospective development of North Shore in a few years time if it is given this additional wharfage accommodation? I consider that, in the future, North Shore will be to Sydney what Birkenhead is to Liverpool. The place is strangled at the present moment for the want of these facilities.
291. You predict a great future for this suburb if it has such facilities? Yes, but it is only my individual opinion.

William Cope, Esq., called in, sworn, and examined:—

- William Cope, Esq. 292. *Chairman.*] You are a resident of East St. Leonards? I have resided there for the last ten years or more. I am a property-holder there.
- 10 Nov., 1887. 293. *Mr. Williams.*] You know the nature of this Bill? I have not read it. I know that there is a Bill before Parliament seeking to empower the municipalities on North Shore to borrow money for the erection of wharves, and to pledge the rates to pay the interest on that expenditure.
294. What are your views on the matter? My opinion is based upon the experience I have had of municipal improvements. It is quite probable that the money will not be spent as advantageously as it might be spent by, we will say, more carefully considered proposals that would be likely to be obtained from a Harbour Trust or some similar body. Judging by the wharves already made, I should say that the proposed wharves would not be suitable, if they were constructed on the same lines, for the purpose for which they would be required in the future. I think it extremely probable that the work would have to be undone, and that in this way the money would be wasted. I do not think that anybody knows what will be required for that place within the next few years. I am certain that the present temporary structures will not be suitable for heavy work in the future.
295. *Chairman.*] When you spoke of the wharves already made, what wharves did you mean? I alluded more particularly to the wharf at the foot of Jeffrey-street, which, I think, provides access to Mr. Wilson's iron store.
296. Whose property is it? I understand that it is a public wharf. I do not know whether it is so or not. I do not think that the gentlemen who have to do with these matters are able to give sufficient time sometimes to the consideration of questions involving the expenditure of very heavy sums of money.
297. *Mr. Williams.*] The municipality proposes to spend £3,000 on the erection of three wharves, namely, at Willoughby-street, High-street, and Western Road. Do you think it is a speculation that is likely to return anything worth speaking of in the way of revenue? I do not think it would pay now. I am not prepared to say it would not pay in the future if proper wharves were constructed.
298. *Chairman.*] What experience have you had in wharf matters to enable you to form an opinion as to what revenue the wharf would be likely to return? Nothing, except what I have heard from people whose business I have had to do.
299. Practically you know nothing whatever? I will not say that. I think that any man with eyes and ears can know what is going on without having practical experience. I do not profess to have practical experience.
300. *Mr. Williams.*] Can you say whether the traffic on the Milson's Point wharf and road is so heavy that the present accommodation is not sufficient? I certainly think that we might have more accommodation for crossing the water. I have seen traffic congested at the horse ferry, but the roadway, I think, is quite good enough, although rather steep. I think that if an easier grade could be got it would be a great argument in favour of having some other means of access.
301. Would Willoughby-street be an easier or a steeper grade than the Milson's Point road? It looks very steep. I have not seen the levels taken, but to look at it I should think it was steeper. I do not know if the road is properly made there yet. I should not call it a good grade.
302. *Mr. Pring.*] I suppose you know that the Borough Council intend to reduce the grade to one in fourteen? I only know it is a very steep grade.
303. You are speaking of it as it is at present? Yes. To get to the main road you have to get on to the top of a hill in a short length of roadway.
304. There is no doubt, I take it, from your evidence, that additional wharf accommodation would be of benefit to the residents and the public generally, if it were placed under proper supervision? Yes.
305. And your principal objection is to the municipality having this power? My chief objection, I say it with all due respect, is that the aldermen have not sufficient time to look after the matter; they seem to pay more for their work than other people do. It is not done as well as it should be done, as for instance, in Jeffrey-street, where a wall which they had put up fell down and had to be rebuilt.
306. I suppose you would be satisfied if the wharves were under the control of a superior body, the Government, for instance? That would be very good. It would save a great deal of trouble, but I am not quite sure that even they would know where to put the wharves. They might build them in wrong places.
307. Suppose before the boroughs erected any wharves they had to get the sanction of the Secretary for Works to the plans and specifications, would that satisfy you? I should think that the protection ought to come from the public to some extent. I do not think that the Minister would have sufficient time to inquire into the matter.
308. Suppose it is provided that before the wharves are erected the sanction of the Government to the plans and specifications must be obtained it would remove a great deal of your objection? It ought to do; but it would not entirely, because as a matter of fact you can get these things done in the public offices in a very perfunctory way. I could employ a person to go and get a thing like that put through. It would remove some of my objections.
309. But it would remove a great deal of your objection? It would remove some of it; but my objection is this: a man is elected not because of his own knowledge of building, or anything of that kind.
310. Do you happen to know how many miles of road there are in the borough of East St. Leonards? No. I know that there are a great many miles of road.
311. I suppose you would not be surprised to hear that there are 30 miles of road? I would not call a great many of them roads. A good many tracks are called roads.
312. I believe you are a shareholder in the North Shore Ferry Company? I have fifty shares, I may have seventy-five. My interest in it is very slight!
313. *Mr. Williams.*] You think that if this power is given to the municipalities they should only be allowed to exercise it after they had first obtained the sanction of the ratepayers? I certainly think so.
314. You do not think it is sufficient that the plans and specifications should be submitted to and approved of by the Minister for Works? No. I think that some such provision might be made; but I would not like to leave it in that open way, for a Minister has not time to look after these things.

Henry Herbert Robey, Esq., called in, sworn, and examined:—

315. *Chairman.*] You are one of the petitioners against this bill? Yes, on behalf of the North Shore Rowing Club. I am honorary secretary to the club. H. H. Robey,
Esq.
10 Nov., 1887.
316. You say, "That the North Shore Rowing Club has for the last eight years occupied a portion of Careening Cove, at the foot of Willoughby-street, adjoining a small stone pier, also at the foot of such street;"—by what authority do you occupy? The previous secretary was in the Government, and he got a lease granted to the Borough Council on our behalf. The lease stated that it was granted for the purpose of a rowing club.
317. Do you produce that lease? I have not the lease in my possession. It wound up with the words "for the erection of a rowing club."
318. *Mr. Garrett.*] For how many years was it granted? For five years; but we were there on sufferance for two or three years before we got the lease.
319. Has the lease expired? It expired two years ago.
320. You have not got any further holding? No.
321. *Chairman.*] At the present time you have nothing to show, except being in possession, as your authority for remaining there? Not from the Government or the council.
322. How long is it since you paid the last rent to the Government or to the corporation? We never paid rent to the corporation. We paid it to the Government every year in advance, up to January, 1886. We never paid any rent to the corporation, although they taxed us.
323. You say, "That the North Shore Rowing Club has gone to great expense in the erection of sheds and in the purchase of boats and gear, and that such club is of great public benefit so far as North Shore is concerned";—what was the cost of the shed? It cost about £250 or £260.
324. You say, "That in the event of the proposed Bill becoming law, such club must be disbanded";—is it not a fact that the corporation have offered you other sites? One very unsuitable site in a very off-hand manner, without any authority, because they had to apply to the Government for a lease. If we accepted their offer it would be for only five years as before on the same terms. They would not give us a guarantee that we could stop there for another five years. They simply said they would give us this lease and at the end of the period they might simply say, "Clear out; we want this place."
325. *Mr. Williams.*] Where was the site? At the bottom of Jeffrey-street, a very exposed place, and without room.
326. *Chairman.*] Did they not offer you a site at the bottom of Beulah-street too? No; they offered us only one site.
327. How much would it cost to remove your shed? I have never asked anyone for an estimate. I suppose it would cost over £100.
328. *Mr. Garrett.*] On what ground do you base this claim or statement in your petition: "That, even if your Honorable House should pass the preamble of the said Bill, your petitioners submit that they are entitled to have certain clauses inserted and amendments and alterations made therein for the protection of the North Shore Rowing Club"? We consider that as a public body we should be protected to a certain extent. We have a number of young fellows in our club, and there are no end of ratepayers objecting to the erection of these wharves.
329. Will you state as strong reasons as possible why these clauses should be put in, and the nature of them? We should consider that we want these clauses for our protection. I consider that if Parliament pass this Bill, the question of the erection of a wharf should be submitted to the ratepayers, so that due cause might be shown why it should not be erected. I mean that the council should be compelled to apply to the ratepayers for permission to erect a wharf whenever it thinks one is necessary.
330. In other words, a poll should be taken by the council whether any particular wharf should be erected or not? I think so.
331. Why is that specially for the protection of the rowing club? We have got the bottom of Willoughby-street. It was only through the influence of our club that the council first got a lease of the frontage there.
332. You think you have some sort of right or tenantry in that site? Yes.
333. And you want to have your interest as *quasi* tenants recognized before the council are allowed to do anything? Exactly.
334. You base that claim on the fact that you have spent a large sum of money on the erection of sheds? Yes. We consider that we do a public good over there.
335. You consider that because you are a sort of public institution from which the people derive benefit, and which should be encouraged, you should not be disturbed in the occupation, such as it is, which you have of this site by the council without the ratepayers consenting? Yes. Let me explain why the council are now against us: When we first established our club nearly all the aldermen were members of it. For instance, the mayor of the borough was the president, and so on. The aldermen were all more or less connected with the club; but their places have been filled in course of time by men with different interests to serve—with their own little axes to grind, I suppose.
336. How long have you lived there? Twenty-two years.
337. You are in business in Sydney? Yes.
338. You ought to know pretty well the great importance in the public interest of having good landing and shipping places in connection with a place such as North Shore? Yes.
339. Which do you consider the more important, that the rowing club shall be allowed to have this position, or that it should be a position devoted to a public wharf? If it was at all suitable for a public wharf there should not be any answer required to the question, but as it happens some explanation is necessary. Our club-shed comes to the end of the street; there is a stage of about 20 feet, I think, to the shed; and then there is a floating stage at the end of that stage. At the foot of the floating jetty at low water the depth is about 2 feet. I take the view that if a public wharf were erected there for any mercantile purpose it would have to go out twice as far as our floating stage does in order to get anywhere near deep water. In fact we have walked round the foot of our floating jetty at low tide. Then the street is altogether against such an idea. They might manage, if they had some hydraulic lift at the top of the hill to take up loaded carts.
340. *Mr. Pring.*] How many members are there in the rowing club? About seventy, I think.
341. How many of them are ratepayers? I do not know. Our members are chiefly young fellows.
342. Are there only four of them ratepayers? I cannot say.

- H. H. Robey, Esq. 343. Can you say whether any of them are? Certainly some of them are.
344. Are you a ratepayer? Yes. At all events, the members' fathers or mothers are ratepayers.
- 10 Nov., 1887. 345. Did you ever see this document, marked A, before? Yes.
346. Where is the lease of which you spoke, which had at the end of it the words, "it was granted for the purpose of a rowing club?" I see that it is at the end of this letter. [*Vide Appendix B.*]
347. I beg your pardon, there is no word about a rowing club in the letter; I understand you think it necessary that there should be wharf accommodation at North Shore in suitable places? It all depends.
348. The only ground of objection is, that this place is unsuitable (first) because the Rowing Club is there, and (secondly) because of the shallow water? The shallow water is the principal objection.
349. *Chairman.*] You said that nearly everybody was against the erection of this wharf at the foot of Willoughby-street? Everybody in our locality.
350. But a petition signed by 522 persons was presented to the Legislative Assembly in favour of the Bill? Yes; but not by the gentlemen occupying residences around our point. I believe that the signatures to this petition include the unemployed working on the road.
351. *Mr. Williams.*] Have you ever heard that a Mr. Bale has interested himself greatly in getting this wharf erected? Yes.
352. He has a bit of property over there? I do not know whether it is his own. He has an interest in it, I believe.
353. *Mr. Pring.*] From whom did you hear that? I do not remember who told me. It is a current topic over there.
354. *Mr. Williams.*] Has Mr. Bale himself spoken to you about the matter? Yes.
355. Has he evinced any great interest in getting the club-shed removed from that position? Very much so. He told me two or three times that he would pull it down if we did not take it away. He said that he would get it towed out to deep water with a tug. I told him that he would be very sorry if he did.
356. Are you a shareholder in the North Shore Ferry Company? No.
357. Is your mother? No.
358. Any of your people? No.

WEDNESDAY, 23 NOVEMBER, 1887.

Present:—
MR. J. P. ABBOTT, MR. DALTON,
MR. WITHERS.

I. E. IVES, ESQ., IN THE CHAIR.

Mr. Pring, Counsel, appeared on behalf of the promoters of the Bill.

John Rodick, Esq., called in, sworn, and examined:—

- J. Rodick, Esq. 359. *Chairman.*] You are an alderman in the Borough of East St. Leonards? Yes.
- 23 Nov., 1887. 360. *Mr. Pring.*] You have seen the provisions of this Bill;—in your opinion is it desirable that the Borough Council should have the power of making these wharves? That is my opinion.
361. On what do you base it? I have lived over there for a great number of years, and for many years past constant complaints have been made of the want of wharfage accommodation. Nearly three years ago, in consequence of these representations, I moved in the Council of East St. Leonards that we should apply to the Government for a loan of money for the purpose of building these wharves. I believe that they are urgently required, and would return a good interest on the outlay. They would be a benefit to the public as well as a benefit in a financial sense to the borough.
362. What is your business? I am one of the firm of W. Macdonald & Company, of George and Bond Streets, Sydney. The cost of these three wharves, I am given to understand, will be £3,000, and I fully believe that they will return a total revenue of £600 a year. The borough of East St. Leonards has a water frontage of something like 6 miles, and on that frontage we have only one available wharf. I am thoroughly convinced that this Bill is urgently required.
363. *Mr. Dalton.*] What will it cost to erect the three wharves? We have plans already drawn up, and the estimated cost is £1,000 for each wharf.
364. *Chairman.*] What interest will you have to pay on the £3,000 which you propose to borrow? Five per cent. Last week we borrowed from the Savings' Bank £2,000 at 5 per cent.
365. *Mr. Abbott.*] On the security of your rates? Yes. Some time ago I said we might well put down 5 per cent. for wear and tear, so that we might reckon that the wharves would give us a return of something like 15 per cent., that is 10 per cent. clear after paying the interest on the loan.
366. For how long have you been an alderman? Between three and four years.
367. Do you know the wharf alongside Milson's Point, at the termination of the Lane Cove Road? Yes.
368. What rent is the council getting for it? £112.
369. How was it let? By tender.
370. And that was the highest tender you got? Yes. It was let about eighteen months ago.
371. It is the only wharf at North Shore? Yes.
372. When the tenders were invited practically the successful man would have a monopoly of the North Shore wharf? Yes.
373. Yet you could get only £112? Yes.
374. If you have four wharves to let how can you reconcile your statement that you will get a higher rate for the new wharves? I estimate that we shall get a larger return for the new wharves in consequence of their having three times the amount of frontage that the present wharf has; we have only 50 feet frontage now.
- 374½. What is the only wharf now at North Shore which is used for the purpose of landing goods, with the exception of the wharf at Blue's Point? Just so.
375. Who has control of the wharf at Blue's Point? I am not in a position to say.
376. Do you know what the wharf at Milson's Point cost? I am not aware of that. It was constructed many years ago, before I was a member of the council. It is a temporary structure. It did not cost half the money which I expect the new wharves will cost. I should say that it did not cost more than £300 or £400.

377. I suppose that the fact of making three additional wharves will not cause a larger quantity of goods to be landed at North Shore than there is at present? I do not know that there will be any more goods landed there, but they will be landed there very much cheaper by ship and by lighter, instead of being brought as they are now by the horse ferry. J. Rodick, Esq. 23 Nov., 1887.

378. You think that in that way it will be a saving to the people—that instead of having to pay to get the goods over on the transit boat they will land their goods on the wharf? Just so, that is the view I take of it.

379. Do you know where they propose to put a wharf in Careening Cove? It is proposed to build a wharf at the foot of Willoughby-street.

380. Could any heavy traffic be carried from that wharf up that hill? Not in its present state.

381. Even if the road is formed could any ordinary load which comes over in the transit boat be carried up that hill? I estimate that any ordinary good horse would take up from 10 to 12 cwt., certainly not a ton. When the improvements are carried out, as we anticipate that they will be, and the street is cut down to a proper grade, I do not think that there will be any difficulty in taking 10 or 12 cwt. up the hill.

382. Are all these boroughs going to be interested in these wharves, are they going to find the money jointly with the Borough of East St. Leonards? Oh no. We are entirely independent of the other boroughs. They are here in their own interests to get power to make similar wharves for themselves.

383. *Mr. Dalton.*] You said that with the new wharves you expected that a larger quantity of goods would be landed at North Shore? No. My answer was that I did not expect more goods would be landed there, but that there would be better wharf accommodation, and that goods would be landed more cheaply than they are at present. I cannot anticipate without a large increase in the population that there will be any more goods required over there.

384. Even with the same population as you have at present you do not expect any increase in the traffic? Certainly not. Better wharf accommodation will not increase the quantity of goods required.

385. You have also stated that the residents of East St. Leonards would rather have the goods landed on these jetties than bring them across by the horse boat? That is what I have been led to believe.

386. Are you aware that this Bill provides for wharfage charges? Even so, I anticipate that we shall have some control, as a council, in regulating those charges.

387. *Mr. J. P. Abbott.*] Will you have any charge for taking delivery of goods when they are thrown on the wharves? They must be subject to certain care and custody, but I am led to believe that with any charge of that description goods will be landed there very much more cheaply than they will under a parcel delivery or cart system.

388. *Mr. Dalton.*] What does the North Shore Ferry Company charge at present for (say) a dray loaded with a ton of goods? I am not sure whether any alteration has been made of late, but I know that at one time they charged the people from North Shore a shilling for the return trip. A short time ago, I understand, they charged any person coming from Sydney 1s. 6d., which was a very unfair arrangement, but whether they charge a shilling on either side at present I am unable to say.

389. Are you aware of the wharfage rates which are charged in Sydney as fixed by the Government? No. It is out of my line of business.

390. Do you know that it is 1s. 6d. per ton for bulk goods, and a packet charge for lighter goods? If they charged *pro rata* according to the value of the ground it would be about 1d. a ton at North Shore.

391. Is it not a fact that the Oaks Brickworks rented Milson's Point Jetty some two or three years ago from the North Shore Ferry Company? I believe they did.

392. Do you know what rent they agreed to pay them? No.

393. Have the public a right at the present time to land at this wharf, or has the master of any craft the right to lie alongside it, or to discharge goods there? Only by arrangement with the lessee. The Government have a right to land any material there. The people have a right to land there from boats or such like, but not to make use of the wharf to the same extent that the lessee makes use of it.

394. *Chairman.*] When you said that the Oaks Brickworks had rented the Milson's Point Jetty did you mean the property of the North Shore Ferry Company, or the Eastern wharf, at the foot of the Lane Cove Road, that is the property of the corporation? I have seen their bricks on the Eastern wharf. I am not perfectly sure, but I have been under the impression that they did rent that wharf.

WEDNESDAY, 30 NOVEMBER, 1887.

Present:—

MR. DALTON, | MR. WITHERS.

I. E. IVES, ESQ., IN THE CHAIR.

Mr. P. O. Williams appeared on behalf of the petitioners against the Bill.

Mr. Pring, Counsel, appeared on behalf of the promoters of the Bill.

James Robinson Love, Esq., called in, sworn, and examined:—

395. *Chairman.*] You are a resident of East St. Leonards? Yes.

396. For how long have you resided there? For twenty-years.

J. R. Love,
Esq.
30 Nov., 1887.

Walter Traill, Esq., called in, sworn, and examined:—

397. *Chairman.*] You are a resident of East St. Leonards? Yes; I have resided there for nearly fifteen months.

398. *Mr. Robey—In the absence of Mr. Williams.*] Do you think this application on behalf of the Council is a desirable one? Not in the present circumstances of the borough; not in view of the state of the roads, the kerbing, the guttering, and everything connected with the borough.

399. Do you not think it would be a wiser step to borrow money to improve the streets generally? Certainly.

400. What is your idea of a wharf at the foot of Willoughby-street? You could construct a wharf there, but

W. Traill,
Esq.
30 Nov., 1887.

- W. Traill,
Esq.
30 Nov., 1887.
- but it would be very hard work for a horse to take up anything from it, or even from a wharf at the foot of Jeffreys-street. These wharves are not required. They have a wharf already at the Eastern Wharf Road, and anyone can come to it as far as I can hear.
401. If these wharves were erected, do you think it would be any benefit to the public? I cannot say whether it would or not. I think that the money would be wasted. It could be more advantageously expended on roads. If the roads were in thorough repair the council might undertake the construction of wharves.
402. *Chairman.*] Are you a property holder? Yes.
403. What amount of rates do you contribute in a year? Altogether from £15 to £20. I own only one house at Milson's Point.
404. *Mr. Dalton.*] Your contention is that before the municipality engages in other works than street making it should put its streets in thorough repair? Yes; the whole of the streets and lanes.
405. What is the gradient of the road to which you referred just now—1 in 10 or 1 in 20? I believe it is 1 in 15.
406. Could not that gradient be altered? Yes; by cutting down the road probably.
407. To what extent could it be altered? I cannot say.
408. How much money should the council expend upon the streets before they enter upon the work of erecting these wharves? I cannot state the amount; it is a mere matter of quantities.
409. Suppose this Bill is passed, do you think it will be advantageous to the council from a revenue point of view? It depends upon what rent they can get.
410. What rent do you think they can get? I am not qualified to say.
411. *Mr. Withers.*] Where did you reside before you went to St. Leonards? I used to live in lodgings in Darlinghurst.
412. What are you by profession? I served an apprenticeship to an architect; I have not done anything in that respect since.
413. You have never entered into any building speculations? No; I have simply added a couple of rooms to my house.
414. You have not followed up your profession actively in Sydney? No.
415. You do not seem to have given much attention to property as an investment? I have some land at the back of North Shore, and in other places, not household property. I have only one house.
416. How many years did you live in Darlinghurst? I lived in Sydney for about three years altogether. I was about fifteen months in Darlinghurst.
417. How long have you been in the Colony? I am a native of the Colony.
418. Have you had good opportunity to judge of the respective progress of the city and its suburbs? I think that in time it will be a big place.
419. It has been stated by residents of forty years standing that North Shore has been kept back, and will be kept back, for the want of wharf accommodation;—do you think they are misrepresenting things, or are you in a better position with your fourteen months' residence to form an opinion? They are older men than myself. Every man has his own opinion, and I think the council ought to attend to the roads and to the drainage before they undertake the erection of wharves.
420. Would it be a better thing if they did both? I do not see how they can.
421. Are you aware that they propose to open a distinct account in connection with these wharves? No.
422. Are you under the impression that the rates as they come in will be applied to the construction of wharves, and that the streets will be a secondary consideration in the eyes of the aldermen? Oh, no; I understand that the council are to borrow money for the erection of the wharves, and that the rates are to be pledged as security for the payment of the interest on the loan.
423. Do you think there will be no revenue from the wharves at all? No doubt there will be some revenue, but it will not pay in the end. It will be necessary to repair the wharves, and paint them from time to time.
424. Will the increase in the population of the borough lead to an increase in the revenue from the wharves? I do not think so.
425. Do you think that one wharf is sufficient? Yes. I do not think that the people will go to a wharf at Willoughby-street when they can land at Milson's Point, and go up by the tram.
426. *Mr. Pring.*] Have you made any estimate at all of the cost of the wharf? No; I have not seen plans or anything.
427. Have you read the Bill itself? I have just seen it, and that is all; I have not read it.
428. Are you a member of the North Shore Rowing Club? No; I have nothing to do with it.
429. Your objection is that the roads ought to be in order before the council construct any wharves? Yes.
430. *Mr. Withers.*] How long do you think it will be before the roads are in reasonable repair—twenty years? They can do it in a less time than that if they set about it in a proper manner.
431. By levying an additional rate? They have a very fair revenue at the present time. I do not know what it is, but they always do things in such a slipshod manner.
432. *Mr. Williams.*] Do you think that the leasing of the wharves to private individuals will tend to increase the population, or to assist the borough? Not in any way.
433. The Bill gives power to the boroughs to erect wharves and jetties, and to acquire land at the foot of every street, and the only restriction it imposes is that the plans shall be subject to the approval of the Secretary for Public Works;—will that be a safe power to place in the hands of the municipality? I do not think so.
434. *Mr. Pring.*] Why not? There will be long prices given for the land, and they will have to increase the rates to raise sufficient money with which to pay for it.
435. *Chairman.*] What land are you referring to? I mean any land that is bought in order to give access to any wharf accommodation.
436. *Mr. Williams.*] The Bill gives them absolute power to erect a wharf at the foot of any street whether suitable or not. Do you consider that a safe power to give them? I do not think that a wharf is required at the foot of every street.
437. Will it be a safe thing to give them power to do it if they choose? No.
438. *Mr. Dalton.*] Why? Because I think that a wharf is not required at the foot of every street. If they had three wharves it would be sufficient.
439. Do you think that three wharves are absolutely necessary at the present time? I do not think so. They seem to get along with the present one. I have seen nothing landed at North Shore but a few tons of coal.

Thomas Brocklebank Gaden, Esq., called in, sworn, and examined:—

440. *Chairman.*] You are a resident of East St. Leonards? Yes; I have lived there for nearly four years.
441. What are you? I am chief inspector of the Commercial Bank of New South Wales.
442. *Mr. Williams.*] Have you read this Bill? I have not read it.
443. Do you think it is desirable to give the municipality power to pledge the rates for works done outside its boundaries? I decidedly think it is most objectionable.
444. Why so? It might do very well if they had nothing else to do with the rates. The roads at the present time are a disgrace to the borough; they are not safe to walk, drive, or ride in, especially the street in which I live. I think there is no justification for this Bill at all. It is a very difficult and expensive borough to manage, and it is perfectly certain from its present state that they have not enough money with which to make the streets, much less to build wharves which are not necessary.
445. It is said that the progress of North Shore is being retarded in a marked manner by the want of wharf accommodation;—is that your opinion? I do not see how any additional wharf accommodation would advance the interests of North Shore, certainly not the borough with which I am most familiar.
446. Do you think that a wharf at the foot of Willoughby-street is likely to advance the population and industries of the borough? I thought there must have been reason for the Bill, otherwise it would not have been proposed; but I have failed to discover the necessity for it.
447. Have you observed the traffic on the Milson's Point Road? Yes.
448. Do you think that the traffic is so congested on that road that it is unable to carry it? The trams seem to get between the vehicles all right. I manage to drive between the trams and the vehicles. It might become too congested in that respect in time to come, but it has not reached that stage yet. It is much easier to drive there than it is in the streets of Sydney.
449. There is nothing like the crush in the traffic there that there is in Sydney? There is no comparison whatever in my opinion.
450. Will the leasing of the three wharves to private individuals materially advance the interests of North Shore? I do not see how it is to do that. I doubt whether anyone will pay them the interest on the money. It must not be forgotten that the wharves will require expensive approaches, and I should not think that the trade of North Shore would justify anyone in paying such an amount as would pay the interest on the expenditure. Perhaps it is a matter upon which I am scarcely competent to give an opinion.
451. *Chairman.*] You are speaking generally as far as the interests of East St. Leonards are concerned? I am speaking more particularly with regard to that borough, because I am more familiar with it than I am with any of the other boroughs.
452. You are not aware perhaps that this Bill is to enable not only the Borough of East St. Leonards, but the Boroughs of St. Leonards, Victoria, and North Willoughby, to erect wharves on their frontages? I understand that it does extend to St. Leonards.
453. Do you know the extent of water frontage that the combined municipalities possess? I know it by view; I could not name the number of feet.
454. Could you tell us within 10 miles the extent of the frontage? No.
455. Do you know that it extends from the head of Middle Harbour to the head of Lane Cove? I did not know that it includes Middle Harbour.
456. *Mr. Dalton.*] Do you think it would be advantageous to the Borough of North Willoughby if they had a wharf above the Spit in Middle Harbour, on which to land their coals, and other material, such as road metal? I should imagine it would. It never entered into my consideration at all.
457. Again, on the Lane Cove side would not one or two wharves be equally advantageous to the people? These municipalities may be in a different position to that of the municipality of which I spoke. They may have more money to spend than they require to spend on roads, therefore my objection will not apply to a municipality which has plenty of money.
458. Are you a member of the North Shore Rowing Club? No, my sons belong to the Sydney Club.
459. Are you interested in the North Shore Ferry Company in the slightest degree? No.
460. *Mr. Withers.*] Your connection with North Shore has been simply in the capacity of a resident? Yes.
461. You have not been mixed up with the mercantile community over there? No.
462. Are you in a position to gauge public opinion as to the necessity for this Bill? I do not attempt to say that my opinion expresses anyone else's opinion. I say that in view of the fact that the corporation have not enough money now to make roads, they should not expend money on anything which is not absolutely necessary. It is highly dangerous on the part of a municipality I think to get into debt for a speculative purpose.
463. *Mr. Williams.*] Would it be safer to leave this work in the hands of the Government or a harbour trust than in the hands of a municipality? I am not prepared to say that. As a general rule I should say decidedly it was, but there are some municipalities who have very competent men among their aldermen, and of course they would be equal to the occasion.
464. Seeing that the *personnel* of a borough council changes frequently do you think it would be a dangerous thing to entrust them with a power of this character? I think so.
465. Would it not be better if they were to apply to Parliament for power to erect a specific wharf and show the necessity for it? I should prefer that.
466. Suppose they get power to erect these wharves will it be desirable to give them power to lease them to individuals? I am not prepared to say.
467. Bearing in mind that they will preserve the bottom of the street as a landing place for the public do you think it will be a desirable power to give them? If they let the wharves to private individuals they cease to be public wharves then.
468. Suppose they were to let the wharves, reserving a right to the public to go over them, and a right to the municipality to land their property there free of charge, would they be likely then to bring in a good rental. Would you take a wharf in respect of which the borough and the public had such rights? No. I have not given very much consideration to the question of revenue. I think that the reservation of these rights would certainly lower the amount of revenue.
469. *Mr. Prigg.*] You have given very little consideration to this matter, I understand? I will not admit that, because this matter of building wharves has frequently been before me. I have considered the question more from the light of the matters which have come under my observation than with regard to the interests of the other boroughs.

T. B. Gaden,
Esq.
30 Nov., 1887.

- T. B. Gaden, Esq.
30 Nov., 1887.
470. To what matters do you refer? The disgraceful state of the roads.
471. Do you not know that the council have very recently spent as much as £150 on kerbing and guttering your own road? I know that they commenced to kerb and gutter it, but they have not been able to finish it on account of the state of the funds.
472. Do you know that they have let a tender for forming the road there? No.
473. Although you have considered the question as it affects East St. Leonards, yet you are not in a position to tell the Committee the extent of its water frontage? No.
474. How many miles of frontage has it? I cannot give you any idea. I know all the bays. I have been round the frontage over and over again.
475. You signed a petition to the Assembly against this Bill, and yet you state that you do not know that it refers to any other borough than East St. Leonards? I did not understand that it refers to Lane Cove or Middle Harbour.
476. But Lane Cove and Middle Harbour are included in the boroughs mentioned in the Bill? I was not aware of that.
477. *Mr. Williams.*] Is it necessary to give the municipality power to erect wharves at either Lane Cove or Middle Harbour at the present time, and to expend the ratepayers' money in that way? I think it is quite possible that a wharf at Lane Cove, or at Middle Harbour, might be an advantage to the people, but I am not prepared to say that the municipality should be empowered to build a wharf where they like.
478. You think that the power should be restricted to a particular place for a particular purpose. You think that some greater restrictions should be placed on the action of the Council? I think so.
479. Do you not think it will be desirable that before the municipality is allowed to erect a wharf a ballot of the ratepayers shall be taken? It never occurred to me in that light, and in this off-hand way I should not like to commit myself to an opinion.
480. In view of the fact that the municipality might pledge the rates to the extent of £20,000, behind the back of the ratepayers, would it not be desirable that before it was done they should be consulted in some form or other, by notice or otherwise? It seems a very large power to place in the hands of a municipality—unlimited power to expend money at the expense of the ratepayers—but a remedy for it I am not prepared to suggest.
481. You think that there should be a remedy? I do.
482. *Mr. Pring.*] I suppose that you know that before the municipality could borrow money they would have to publish a notification of their intention in the *Gazette*, and in the newspapers? I do.
483. So that any ratepayer could see it and take objection to the proposal? Yes; as to borrowing, but once the money was borrowed the council could spend it as they liked.

Alfred George Milson, Esq., called in, sworn, and examined:—

- A. G. Milson, Esq.
30 Nov., 1887.
484. *Chairman.*] You are a resident of East St. Leonards? Yes; I have lived there for thirty-one years.
485. Are you an alderman of the borough? No.
486. *Mr. Williams.*] You are a son of Mr. James Milson? Yes.
487. For how long has he resided at North Shore? He has been there for upwards of sixty years.
488. He is in England at the present time? Yes. I hold a power of attorney to represent him.
489. You reside in Careening Cove? I do.
490. Have you read the Bill before the Committee? No.
491. Do you know what power it is proposed to place in the hands of the municipality by the Bill? I think so. I think it would be a dangerous power to place in their hands. I do not think that the municipality should be given power to deal with property outside its boundaries. I know that the roads in my borough are in a disgraceful state. It is in debt irrecoverably. It will never be able to redcem itself, and to allow the council to expend more money in what one might term the useless erection of wharves is very undesirable in the interests of the ratepayers. We have already a number of wharves in the borough. I believe that it is proposed to erect a wharf at the foot of High-street; but Mr. Hayes has a wharf there already, and he has not, and never will have, the slightest chance of letting it. It will only be useful for ferry purposes.
492. Is it a large wharf? Yes; it has a frontage of fully 120 feet.
493. *Chairman.*] What is the depth of water? There is deep water alongside the wharf.
494. What is the nature of the approach to the wharf? The road is not properly made. A railway could be brought down to the foot of the street very easily.
495. As it is now could a horse take up a ton of goods from the wharf? Except at the first pinch it could.
496. *Mr. Williams.*] That is not the fault of the wharf? No; it is the fault of the municipality.
497. What other wharves are there in the borough? There are wharves adjoining my father's property which may be let. There is no use for them as far as I can see at the present time. There is deep water alongside of them. I refer to a property which used to belong to Mr. Lark, and to one on the opposite side which belongs to Mr. Lord. I am going to reclaim the latter, not with a view to letting the wharf but with a view to making the land. As far as I can see, this Bill is promoted by a few men who wish to use the wharves as coal wharves. It would be a difficult thing for a horse to drag even half a ton of coals up Willoughby-street at the present time. I do not think that the North Shore rowing club's shed, which is erected at the side of the jetty, interferes with public convenience. I have no object in keeping the club there; in fact I have rather a grievance against them, for they have run into my yacht once or twice.
498. Willoughby-street is a very steep grade? Yes. They are cutting it down, with a view, I suppose, to give a better approach to this wharf when it is erected. The wharf will be useful to only a few people, and I think that more important works might be done in the borough.
499. Do you think it would pay to send a horse-boat to Willoughby-street? I should be sorry to have anything to do with it. High-street would be better for that purpose than Willoughby-street.
500. Would it pay to send a horse-boat to High-street? I should not think so. It might lessen the traffic to Milson's Point. It would ease the traffic on the Milson's Point Road, but I do not think it would pay.
501. Is this wharf strictly at the foot of High-street? It is just at the side of High-street.
502. *Chairman.*] The jetty is on Government land? Yes.

503. *Mr. Williams.*] Would it not be safer to place the powers of this Bill in the hands of a harbour trust than in the hands of a municipality? I think that the whole of the wharves in the harbour ought to be under a harbour trust, the same as they are in Melbourne. If it can be shown that a public wharf is wanted in the public interest, they have power now to apply to the Government for permission to erect one, and that power, I think, is sufficient to meet all the requirements of the public.
504. Assuming that they have not that power, would it be a sufficient power to place in their hands? Yes; they should not have a wholesale power to erect wharves at the beck and call of every alderman.
505. They propose in letting the wharves to reserve to themselves a right to land goods, and to the public a right to land; would any such restrictions interfere very greatly with the revenue? Certainly; it would control the rental very much.
506. Suppose that Parliament passes this Bill, will it be desirable to give them power to lease the wharves, or should they be made to retain the wharves in their own hands? If Parliament allows them to build wharves it allows them to speculate with municipal money, and if they are allowed to speculate in this way they can let the wharves and do anything with them but to sell them. I say that it is not desirable to build wharves there. The petitioners in favour of this Bill, I may add, are not all ratepayers.
507. *Mr. Withers.*] I suppose you represent one of the oldest residents over there? Yes.
508. Do you think there is any disposition on the part of your father and of other old residents to keep the borough as it was fifty years ago? Far from that.
509. You desire to see it become a second Sydney? I would like to see the place go ahead. The wharves can be of no possible benefit to the ratepayers. There are sufficient wharves at the present time for all the ratepayers' purposes, or at least for the largest portion of them.
510. You think that the traffic will not return a sufficient revenue to justify the expenditure? I am satisfied that it will not.
511. Will the erection of the wharves tend to increase the business and the building operations to such an extent that it will bring in a permanent revenue to the borough to be applied to the improvement of the streets? I cannot see how it will have that effect, because the Ferry Company now are tapping all the points of vantage. The wharves from a vehicular point of view will be valueless as far as revenue is concerned.
512. *Mr. Dalton.*] You know the Borough of St. Leonards and North Willoughby? Yes, but not as well as my own borough.
513. Is there any coal within those boroughs? No.
514. Is there any blue metal for road-making? I do not think they have any.
515. Have they any wharves at the present time? Yes; one at Blue's Point.
516. My question refers to St. Leonards and North Willoughby? To get to St. Leonards they always go via East St. Leonards or Victoria.
517. Is it not a fact that the Borough of East St. Leonards can demand, if it chooses, toll on goods landed on the Eastern Wharf Road? I do not know what arrangement they have made between themselves and Mr. Grant.
518. Is there any point on the Military Road where they could tap the waters by an easy descent? I believe that there is a wharf now at the foot of Mossman's Bay, and there is also a wharf at the foot of the Point in the Bay.
519. Are not these wharves private property? I do not know; I cannot say for certain, but the public road seems to come down to the water and the public are landed there by the Ferry Company.
520. Would it be to the advantage of the ratepayers if they could get their coal and metal landed direct from the vessels? The coal would come from Newcastle by railway only.
521. Are you aware that coals can come cheaper by railway than they can be brought round by steamer? Yes, because in the one case the coal is handled only twice, whereas in the other it is handled half a dozen times.
522. What would be the difference between carting the coals from the railway and carting them from the steamers' side to the coal-yard? Very little; perhaps 6d. per ton.
523. Do you know the mileage rate charged on the railways for the conveyance of coal? The railway has not been completed yet.
524. Do you know that it is at least 6s. per ton for the distance, computed at the present rates? I have reason to believe that coal will be the principal item of traffic on this line. I believe that they will have to have a rate which will be sufficiently low to compete with the steamers, or else they will get no freight at all.
525. No road metal can come from Newcastle? No; I think that Illawarra is the principal place for that article.
526. Can it come by railway? I do not think so.
527. It must come by steamer? Yes.
528. Would it not be to the advantage of these two municipalities, leaving East St. Leonards out of the question, if they had a wharf to land their blue metal upon? I think they could make better arrangements with one of the wharves in existence, without going to the expense of erecting a wharf in some unknown spot and making a road to it. There are better facilities at their command now than they could provide, except at considerable cost.
529. What is the distance from either Milson's Point or Blue's Point to the centre of North Willoughby? I should think it is about 3 miles from Milson's Point.
530. What would be the cartage per ton for that distance? The cartage in Sydney is 2s. 6d. or 3s. per ton, and I do not think you will get any carting done for 3s. a ton on the other side. From what I know of the approaches to Middle Harbour and Lane Cove they are very steep. It would take an enormous sum of money to make an approach to a wharf at either place. And if I was a carter I would sooner cart the distance of 3½ miles from Milson's Point or Blue's Point than the 2½ miles, or perhaps more, after the road is made from Middle Harbour.
531. *Mr. Williams.*] Is there any place in Middle Harbour where an easy approach could be got to the water? I do not know of one. I think the spit is the easiest one. There is a Government road there now. It is all private property in Middle Harbour except in very precipitous places.
532. Could an approach be made to Balmoral of even 1 in 15? No; you might use the Military Road, where they have a wharf.

A. G. Milson,
Esq.
30 Nov., 1887.

- A. G. Milson, Esq.
30 Nov., 1887.
533. How does the distance from Middle Harbour to the centre of North Willoughby compare with the distance from Milson's Point? It is nearly double.
534. Do you know whether the North Shore Ferry Company have very large accommodation at Milson's Point, which they are ready to let? They have large accommodation, but I do not know whether they have actually let it.
535. I understand you to say that it would be very much better for the borough to pay wharfage, which is a certain thing, than to speculate in wharfage property, where the tolls and expenses are uncertain? Yes.

William Cornelius Goddard, Esq., called in, sworn, and examined:—

- W. C. Goddard, Esq.
30 Nov., 1887.
536. *Chairman.*] You are a resident of East St. Leonards? Yes; I have resided there for fifteen years.
537. Have you read the Bill before the Committee? No.
538. *Mr. Williams.*] Do you think, as far as you have been informed of the objects of this Bill, that it is desirable to place these powers in the hands of any municipality? Certainly not in connection with my municipality.
539. What is the state of the roads, the footpaths, and the drainage there? I consider that the state of them all is such that it will require a very large sum of money to put them into anything like decent order.
540. Is it desirable to give the municipality power to expend the rates in works outside its boundary, such as in the erection of wharves and jetties, sea-walls, and things of that kind? I do not.
541. It is proposed to erect a wharf at Willoughby-street, High-street, and Western Wharf Road;—do the necessities of North Shore demand that those wharves should be erected? I feel sure that they do not.
542. *Chairman.*] When you answer the question in that wide sense do you refer to the whole of the district, or simply to the Borough of East St. Leonards? I refer to the whole district, but as far as the state of the streets is concerned, I can only speak of my own borough.
543. What accommodation have you at Milson's Point at present? I am a director of the North Shore Ferry Company. We have lately made a road at a cost of £2,500, from our property, giving the best possible grade to be got, and I believe the best grade on that side of the water. We have let a part of this property to a tenant, who has permission to collect wharfages in addition to carrying on his own particular business. We thought the time had arrived when we ought to get a better rental, and we were unable to do so, because our tenant said that he practically made nothing from the wharfage.
544. *Mr. Williams.*] It is a very large wharf? It has a water frontage of about 600 odd feet.
545. Is it capable of taking a good-sized vessel alongside? Yes; on one side—the side that is let to this tenant—but not on the southerly side.
546. In the bight where it is deep water it is capable of berthing a large vessel? Yes.
547. What are your tenant's wharf charges? He says that they are the same as in Sydney.
548. As to the part that is not let; is there any place where the public can land goods on application to the Company? Small vessels with coal and blue metal can go alongside, but not big colliers.
549. Can they land goods such as coal and metal by paying the same wharfage to the Company as in Sydney? Yes.
550. Where could the Borough of St. Leonards or North Willoughby land their blue metal more cheaply;—at Milson's Point or Middle Harbour? I should say at Milson's Point.

NORTH SHORE BOROUGH WHARVES BILL.

APPENDIX.

[To Evidence of P. A. Temple.]

A 1.

Sir, Department of Lands, Sydney, 6 June, 1887.
 Referring to your letter of the 4th April last, addressed to the Colonial Secretary, requesting that the rents of the water frontages leased to the Municipal Council of East St. Leonards may date only from the time of the passing of the Wharves Bill, I am directed by the Minister for Lands to inform you that the rents of the leases referred to must be paid from the 1st January last, and that the issue of the leases will be held over till the council is in a position to accept the same legally.
 I have, &c.,
 STEPHEN FREEMAN,
 (For the Under Secretary).

A 2.

17 June, 1887.
 Alderman F. A. A. Wilson's protesting against a notice in *Gazette*, and wishing to be informed if the Council agreed. 28th June, 1887.—From council clerk, in reply, stating that the application had been made without knowledge or consent of council, but permission had been given to the North Shore Rowing Club to erect a boat-shed on sufferance only.
 2nd September, 1879.—Council clerk to Minister for Lands, stating, that the council had not authorised the N.S.R. Club to use its name in *Gazette* notice.
 Copy of letter from Lands Department to North Shore Rowing Club, 3rd March, 1881.—Stating that the borough council must obtain a lease of the areas, &c., first.

EXTRACTS from Minute Books.—Borough of East St. Leonards.

September 2, 1879.—Letter from the council clerk to the secretary of the North Shore Rowing Club, stating that the application for a sufferance use of water frontage at Willoughby-street was granted.

From the Secretary of the North Shore Rowing Club to the Council, thanking the Mayor and Aldermen.

July 5, 1881.—Letter dated 17th June, 1881, from Alderman F. A. A. Wilson to the council clerk, stating that a notice appeared in the *Government Gazette* of the 10th instant with reference to the erection of a boatshed and landing-stage at the foot of Willoughby-street, purporting that the application had been made by the borough council of East St. Leonards, and requesting to be informed when the council decided to make the request.

Copy of council clerk's letter in reply, dated 20th June, 1881, stating that the notice had been inserted without the knowledge or consent of the council, but that permission had been given to the North Shore Rowing Club to erect a boatshed on sufferance only, on the 2nd September, 1879.

Copy of council clerk's letter to the Secretary of the North Shore Rowing Club, asking to be informed upon what authority the application had been made.

Letter, dated 22nd June, from Thos. Cadell, Esq., to the Mayor, calling attention to the notice in the *Government Gazette*, and commenting thereon.

Copy of council clerk's letter acknowledging receipt of same.

Copy of council clerk's letter to the Hon. the Minister for Lands, stating that the council had not authorised the North Shore Rowing Club to use its name in the application notified in the *Government Gazette* of the 10th instant, but had given permission to the club to erect a boatshed at the foot of Willoughby-street on sufferance only, and upon the understanding that it had to be removed at any time the council desired it.

Letter from W. J. M'Leod, requesting an interview with the council on Tuesday evening, when Mr. Fitzpatrick and himself would attend and explain matters relative to the occupation of the land at the foot of Willoughby-street.

Letter, dated 4th July, from F. B. Lark, Esq., objecting to the occupation of the boatshed by the North Shore Rowing Club, and complaining of persons bathing publicly at the wharf.

Messrs. M'Leod and Fitzpatrick attended the meeting of the Council to explain that there had been an error in the wording of the notice appearing in the *Government Gazette*, and handed in a letter dated the 3rd March, 1881, from the Lands Department to the Hon. Secretary of the North Shore Rowing Club, of which the following is a copy:—

Sir,

"Department of Lands, Sydney, 3 March, 1881.

With reference to your letter of the 17th of September last, stating that the North Shore Rowing Club had erected a boat-shed and landing-stage at the foot of Willoughby-street, St. Leonards, without the permission of the Government, as it was understood that the permission obtained from the Municipal Council to occupy the land at the foot of Willoughby-street was sufficient to warrant the erection, and requesting that necessary permission might now be given, I am directed to inform you that under a report which has been received from the Engineer-in-Chief for Harbours and Rivers and the Surveyor-General on the subject, there does not appear to be any objection to the boat-shed and landing-stage already erected within the boundaries shown in the annexed description, provided the Borough Council obtain a lease of the area above referred to under the provisions of the 38th section of the 'Lands Act Amendment Act of 1875,' and provided the Rowing Club give a guarantee to remove the structure whenever they may be called on by the Government to do so.

I have, &c.,

CHAS. OLIVER."

The Secretary North Shore Rowing Club.

4th October, 1881.—Letter dated 17th August, 1881, from the Under-Secretary for Lands, relative to the application of the North Shore Rowing Club for permission to erect a shed and jetty at the foot of Willoughby-street. It was moved by Alderman Lord, and seconded by Alderman Eaton, "That a lease be applied for, and that the Council accept the terms offered by the Government."

A 3.

Sir,

Department of Lands, Sydney, 16 June, 1886.

Referring to your application, on behalf of the Municipal Council of East St. Leonards, for permission to lease a portion of Crown lands at foot of Willoughby-street, East St. Leonards, for public wharf, and to my letter of 16th March, 1886, upon the subject, I have now the honor to request that you will pay into the Colonial Treasury the sum of £40 for rent, from 1st January, 1886, to 31st December next, on notice of receipt of which the lease will be sent on for approval.

There are no charges against your deposit of £10, but the amount will be applied towards payment of rent now called for.

The sum of £30 will therefore still remain due, and if not paid within three months from this date your application for the lease will be deemed to have lapsed.

I have, &c.,

CHARLES OLIVER,

Under Secretary.

The Council Clerk, Municipal Council, East St. Leonards.

Term of Lease:—From 1st January, 1886, to 31st December, 1892.

Rent:—£40 per annum.

Conditions:—The lease to confer no right of purchase; £500 to be expended on a new wharf; approaches to be made for landing from small boats, and that the lessee remove any structure, at his own cost, at end of lease, if so required by the Crown.

[To Evidence of H. H. Robey.]

B.

Sir,

Department of Lands, 6 January, 1887.
In reference to your application on behalf of the Borough Council of East St. Leonards to lease, under 89th section of the Crown Lands Act of 1884, land at foot of Western Wharf Road, Lavender Bay, for the purpose of a wharf on piles, I have now the honor to inform you that it is proposed to grant a lease of a small portion of land for five years, from 1st January, 1887, at the annual rental of £20, and upon conditions that the lease will confer no right of purchase; that any structure shall be removed at cost of lessees, and without compensation if desired by the Government; that the wharf shall be lighted, and access by steps afforded from the water to the street free of charge to the public.

The requisite notice of the intention to grant this lease has been published in the *Gazette* of 21st December, 1886, and should no valid objections be raised, and the Council are willing to accept the lease, the Governor in Council will be advised to grant it, under the provisions of the above Act, when payment of rent for the first year shall have been made.

The Council Clerk, Council Chambers, East St. Leonards.

I have, &c.,

CHARLES OLIVER,
Under Secretary.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NORTH SHORE BOROUGH'S WHARVES BILL.

(PETITION IN FAVOUR OF—RESIDENTS OF ST. LEONARDS.)

Received by the Legislative Assembly, 22 September, 1887.

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

The Petition of Property Owners and Residents of the Electorate of St. Leonards,—

SHOWETH:—

That your Petitioners are favourable to the immediate passing into law of the St. Leonards Wharves Bill, without respect to the petition of a small minority of residents representing the North Shore Rowing Club, and for the following reasons:—

- 1st. That the present wharfage accommodation is inadequate for the increasing requirements of this large district.
- 2nd. That the various municipal bodies are paying high rentals for suitable wharf frontages, have paid large sums of money for the preparation of plans, &c., and are debarred from using same by the action of a very small private body, such as the North Shore Rowing Club, who have appealed to your Honorable House, and so obstructed the passage of the Bill giving power to do so.
- 3rd. That the Department of Lands has granted to the Municipal Council of East St. Leonards a lease of the site now forcibly occupied by the North Shore Rowing Club, at the high rental of forty pounds (£40) per annum; that the same is a valuable site for wharf purposes, and at the high rental paid should without delay be made remunerative to the ratepayers.
- 4th. That all or any rights of the North Shore Rowing Club to the land now occupied by them ceased on the thirty-first day of December, 1885; that ample opportunities have been offered them to secure another and less valuable site, but they have made no effort to do so, preferring to occupy at the public expense, to the public loss, and against the public wish, the site they now seek to hold possession of.
- 5th. That the North Shore Rowing Club, as a private body, has no claim to monopolize the public rights, to the detriment of the public funds, public convenience, and in direct defiance of the Government and Municipal authorities, nor have they any rights to impede the progress of a Bill intended by Parliament for the public weal.

We therefore pray that your Honorable House will weigh well the prayer of our petition as representing the voice of the majority, which we are educated to believe must rule, leaving justice and the immediate expediency of the measure to plead our cause with you; and as in duty bound, we, your Petitioners, will ever pray.

St. Leonards, 29th August, 1887.

[Here follow 522 signatures.]

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NORTH SHORE BOROUGH'S WHARVES BILL.

(PETITION AGAINST—P. O. WILLIAMS, ALFRED G. MILSON, T. B. GADEN, AND J. W. R. LOVE.)

Received by the Legislative Assembly, 4 October, 1887.

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

The humble Petition of Prosper Orleans Williams, Alfred George Milson, Thomas Brocklebank Gaden, and James Robinson Love, of East St. Leonards, near Sydney, in the Colony of New South Wales, gentlemen, on behalf of themselves and other ratepayers of the Borough of East St. Leonards,—

RESPECTFULLY SHOWETH :—

1. That the Boroughs of St. Leonards, East St. Leonards, Victoria, and North Willoughby have petitioned your Honorable House for and obtained leave to bring in a private Bill, intituled, "The North Shore Borough's Wharves Bill," and that such Bill has by your Honorable House been referred to a Select Committee of your Honorable House for inquiry and report.

2. That your Petitioners are ratepayers of the Borough of East St. Leonards.

3. That the said Bill proposes to give power to the promoters, amongst other things, to erect wharves, and to expend the rates received, upon the erection of such wharves, and upon their repair and maintenance.

4. That the erection of a wharf at the foot of Willoughby-street, East St. Leonards, is not necessary, and it is not expedient that the same should be erected and established, or that the borough should have power to borrow money to erect wharves, or to use the ratepayers' moneys for such purpose, or for the repair and maintenance of wharves or jetties.

5. That your Petitioners will be seriously and injuriously affected and prejudiced by the acquisition of such powers by the promoters, on the following grounds :—

(1.) That the erection of such wharves is unnecessary.

(2.) That it will involve the ratepayers of the borough in unnecessary expense.

(3.) That it is against the spirit of the Municipalities Act to allow the Borough Council to expend the rates outside the boundaries of the borough.

(4.) That a wharf or jetty at the foot of Willoughby-street is altogether unnecessary.

Your Petitioners therefore humbly pray that they may be heard by their counsel or solicitor, or in person, before your Honorable House, or before the Select Committee, in opposition to the said Bill, and the provisions thereof, with liberty to adduce such evidence as they may be advised in opposition thereto, or in support of this Petition.

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

P. O. WILLIAMS.
ALFRED G. MILSON.
T. B. GADEN.
JAS. R. LOVE.

Dated this 29th day of September, A.D. 1887.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NORTH SHORE BOROUGH'S WHARVES BILL.

(PETITION AGAINST—T. E. CRESWELL AND H. H. ROBNEY.)

Received by the Legislative Assembly, 4 October, 1887.

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

The humble Petition of Thomas Edgar Creswell and Henry Herbert Robey, of St. Leonards, near Sydney, in the Colony of New South Wales, Captain and Secretary of the North Shore Rowing Club, on behalf of such club,—

RESPECTFULLY SHOWETH:—

1. That the Boroughs of North Willoughby, Victoria, St. Leonards, and East St. Leonards have petitioned your Honorable House for and obtained leave to bring in a private Bill, intituled, "The North Shore Boroughs Wharves Bill," and that such Bill has, by your Honorable House, been referred to a Select Committee of your Honorable House for inquiry and report.

2. That the North Shore Rowing Club has for the last eight years occupied a portion of Careening Cove, at the foot of Willoughby-street, adjoining a small stone pier, also at the foot of such street.

3. That the Borough of East St. Leonards applied for a lease of the same site, and your Petitioners lodged objections with the then Minister for Lands against the granting of such lease.

4. That the North Shore Rowing Club has gone to great expense in the erection of sheds and in the purchase of boats and gear, and that such club is of great public benefit so far as North Shore is concerned.

5. That in the event of the proposed Bill becoming law such club must be disbanded.

6. That there is ample room for the erection of a wharf or jetty alongside the North Shore Rowing Club's premises, although your Petitioners submit that a wharf or jetty is not required there, the present stone pier being quite sufficient for all purposes.

7. That your Petitioners will be seriously and injuriously affected and prejudiced by the acquisition of such powers by the promoters, on the following grounds:—

(1.) That the erection of a wharf or jetty at the foot of Willoughby-street is unnecessary.

(2.) That it will involve the North Shore Rowing Club in great loss and expense—loss in the event of the club being disbanded, and expense in the event of such club being compelled to remove and re-erect their buildings and to purchase or lease a water-frontage site on the North Shore.

(3.) That, even if your Honorable House should pass the preamble of the said Bill, your Petitioners submit that they are entitled to have certain clauses inserted and amendments and alterations made therein for the protection of the North Shore Rowing Club.

Your Petitioners therefore humbly pray that they may be heard by their counsel or solicitor, or in person, before your Honorable House, or before the Select Committee, in opposition to the said Bill and the provisions thereof, with liberty to adduce such evidence as they may be advised in opposition thereto, or in support of this Petition.

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

Dated this twenty-ninth day of September, 1887.

T. E. CRESWELL.
H. H. ROBNEY.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

NORTH SHORE, MANLY, AND PITTWATER TRAMWAY
AND RAILWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
25th October, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.

(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 11. WEDNESDAY, 12 OCTOBER, 1887.

10. NORTH SHORE, MANLY, AND PITTWATER TRAMWAY AND RAILWAY BILL (*Formal Motion*):—Mr. Day moved, pursuant to Notice,—
- (1.) That the North Shore, Manly, and Pittwater Tramway and Railway Bill be referred to a Select Committee for consideration and report, with power to send for persons and papers.
- (2.) That such Committee consist of Mr. Black, Mr. Reid, Mr. Slattery, Mr. Sutherland, Mr. Gibbes, Mr. Dalton, Mr. R. Burdett Smith, Mr. Ives, Mr. O'Connor, and the Mover.
- Question put and passed.
-

VOTES No. 16. TUESDAY, 25 OCTOBER, 1887.

11. NORTH SHORE, MANLY, AND PITTWATER TRAMWAY AND RAILWAY BILL:—Mr. Day, 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 consideration and Report this Bill was referred on 12th October, 1887, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887.

(THIRD SESSION.)

NORTH SHORE, MANLY, AND PITTWATER TRAMWAY AND RAILWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 12th October, 1887,—the “*North Shore, Manly, and Pittwater Tramway and Railway Bill*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose * See list, p. 5. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedules of the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

No. 3 Committee Room,

Sydney, 25th October, 1887.

GEORGE DAY,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 18 OCTOBER, 1887.

MEMBERS PRESENT :—

Mr. Day,	|	Mr. Gibbes,
Mr. Dalton,	|	Mr. R. Burdett Smith.

Mr. Day called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.

Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.

Present :—Mr. Smith, for Stephen, Laurence, & Jaques (*Solicitors for the Bill*).

Clement Alban Benbow, Esq. (*one of the promoters*), called in, sworn, and examined.

Witness *produced* a plan showing the intended route of the proposed tramway.

Witness withdrew.

Walter Hugh Tibbits, Esq., M.D., called in, sworn, and examined.

Witness withdrew.

Mr. William Spencer Kelly called in, sworn, and examined.

Witness withdrew.

Mr. George Pile called in, sworn, and examined.

Witness withdrew.

Mr. Cyrus Edgar Fuller called in, sworn, and examined.

Witness withdrew.

William Thomas Ashton Shorter, Esq., called in, sworn, and examined.

Witness withdrew.

Mr. John George Cousens called in, sworn, and examined.

Witness withdrew.

Samuel Bryant Rowe, Esq., C.E., called in, sworn, and examined.

Room cleared.

Committee deliberated.

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

WEDNESDAY, 19 OCTOBER, 1887.

MEMBERS PRESENT :—

Mr. Day,		Mr. Dalton.
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In the absence of a quorum, the meeting called for this day lapsed.

THURSDAY, 20 OCTOBER, 1887.

MEMBERS PRESENT :—

Mr. Day in the Chair.		
Mr. Gibbes,	|	Mr. R. Burdett Smith,
	|	Mr. Dalton.

Present :—Mr. Smith, for Stephen, Laurence, & Jaques (*Solicitors for the Bill*).

M. Leon Houreux called in, sworn, and examined.

Witness withdrew.

Mr. James Joseph Roach called in, sworn, and examined.

Witness withdrew.

Mr. Patrick Edwin Fallon called in, sworn, and examined.

Witness withdrew.

Mr. Walter Reeks (*Naval Architect*), called in, sworn, and examined.

Witness withdrew.

Gerard Phillips, Esq., called in, sworn, and examined.

Witness withdrew.

Charles Austin, Esq. (*Mayor of Manly*), called in, sworn, and examined.

Witness withdrew.

Mr. Robert Evans called in, sworn, and examined.

Witness withdrew.

Thomas S. M'Cormack, Esq., called in, sworn, and examined.

Witness withdrew.

Captain Frederick Henry Trouton called in, sworn, and examined.

Room cleared.

Committee deliberated.

[Adjourned to Tuesday next, at half-past *One* o'clock.]

TUESDAY,

TUESDAY, 25 OCTOBER, 1887

MEMBERS PRESENT:—

Mr. Day in the Chair
 Mr. Gibbes, | Mr R Burdett Smith

Preamble considered

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clauses 1 and 2 read, amended,* and agreed to

Clauses 3 to 32 read and agreed to.

Schedules A, B, and C read and agreed to.

Schedule D read, amended,* and agreed to

Title read and agreed to.

Chairman to report the Bill, with amendments, to the House.

* See Schedule
of Amendments

SCHEDULE OF AMENDMENTS.

- Page 2, clause 1, line 14 *Omit* “point” *insert* “points”
 ” ” line 24. *Omit* “or” *insert* “on”
 ” ” line 33 *Omit* “paragraph” *insert* “clause”
 ” ” line 35 *After* “erected” *insert* “in accordance with the provisions in Schedule D to this Act”
 ” ” line 38. *After* “manner” *insert* “Provided that the construction of the said tramway or light railway shall be commenced within six months from the passing of this Act and that within twelve months from the passing of this Act 4 miles at least of the permanent way of the said tramway or light railway shall be completed and that within eighteen months from the passing of this Act the whole of the permanent way of the said tramway or light railway between St Leonards and Manly (with the exception of the said bridge over the waters of Middle Harbour) shall be completed”
 ” ” 2, lines 49 and 50. *Omit* “The bridge being a heavy work requiring a larger margin of time for its completion”
 ” 11, Schedule D, line 25 *Omit* “fifty” *insert* “one hundred”

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1887.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

NORTH SHORE, MANLY, AND PITTWATER TRAMWAY
AND RAILWAY BILL.

TUESDAY, 18 OCTOBER, 1887.

Present:—

MR. DALTON,
MR. DAY,MR. GIBBES,
MR. R. BURDETT SMITH.

G. DAY, ESQ., IN THE CHAIR.

Mr. Smith, for Stephen, Laurence, & Jaques, appeared as Solicitor for the Bill.

Dr. Clement Alban Benbow called in, sworn, and examined:—

1. *Chairman.*] You are practising in Sydney, and resident at Manly Beach? Yes.
2. You are one of the applicants for this Bill? Yes, in conjunction with Mr. Leslie Johnson.
3. I suppose you know the country between North Shore and Pittwater? Yes.
4. Having mixed with the inhabitants of that country I suppose you are pretty well aware of their views as to this project? Yes.
5. Do you believe that this Tramway and Railway will be a general benefit to the country? Yes.
6. Have you made any survey of the proposed line? Yes, I produce one. [*Plan produced.*]
7. Is it rough country between the starting point of this line, that is Falcon-street, and the Spit? No, very easy.
8. What are the gradients? There is hardly a gradient until you drop towards the Spit, where it is one in twenty.
9. Pending the erection of a bridge you intend, as a matter of convenience, to run a steam punt at the Spit? Yes.
10. What will the charges be? The same as are charged at the Spit at present. They are stated in the Schedule.
11. Will the steam punt be put on there before the tram is completed to Manly? It will be put on as soon as the tram is ready to carry the people to the Spit.
12. Do you intend to start the work at both ends simultaneously? Yes.
13. Have you examined the country between the Spit and Manly? Yes.
14. Have you found a practicable route there? Yes.
15. Is the route which you intend to follow described accurately in Schedule A of the Bill? Yes.
16. How long have you been living in Manly? Two years. I have known Manly for ten years.
17. What is the population of the place? I think the police told me that it is over 2,000.

Dr.
C. A. Benbow.
18 Oct., 1887.

- Dr. C. A. Benbow.
18 Oct., 1887.
18. Do you come into contact much with the people there? Yes; especially on the steamers.
 19. Have you heard of any objection to the construction of this tramway? Yes; I have heard one person object on the ground that the Government should build it.
 20. But the general public are in favour of the Bill? Yes; enthusiastic on the subject.
 21. Have they said anything to you about the proposed railway from Manly to Pittwater? No; except that they are all enthusiastic on the subject. The only opposition on which I have heard is to the effect that the Government should do the work.
 22. I suppose the Government have a large quantity of land along the sea-shore? They have at the back.
 23. Within what distance will the proposed railway go of the Government land? It will go for some distance within half a mile of a large quantity of Government land.
 24. Altogether, so far as you know, the general public are in favour of the construction of these two lines, and of the bridge at the Spit? Yes.
 25. *Mr. Dalton.*] Has the person who objects to this Bill any land in the neighbourhood? No.
 26. Who is he? *Mr. Charles Hayes.*
 27. He is a resident of Manly? Yes; he has no property in the village or near the line. It does not interfere with him in the slightest degree. There is a little animus between us, and that is the root of his opposition.
 28. *Mr. Gibbes.*] Has not *Mr. Hayes*, or some other person about there, a notion in his head that the object of the Bill is to get a right for the purpose of selling it and not of constructing a line? He may have that idea in his head.
 29. Might not that objection be obviated by inserting in the first clause a provision that you should begin the line in an efficient way within a certain limited time? We would agree to do that.
 30. Would you say six months? We should have no objection whatever to begin the work within six months of the passing of the Bill.
 31. And say within twelve months of the passing of the Bill you shall have completed 3 or 4 miles of the permanent way? I would prefer that you make it eighteen months from the passing of the Bill. We will build it from Manly to Pittwater in eighteen months. I will agree to put down 3 or 4 miles within twelve months.

Dr. Walter Hugh Tibbets called in, sworn, and examined:—

- Dr. W. H. Tibbets.
18 Oct., 1887.
32. *Chairman.*] Where do you reside? At Manly.
 33. I suppose you have heard, in common with the general public, a great deal of talk with regard to this measure? I have heard very little about it. I have heard rumours of course.
 34. Have you heard anything against the construction of a line from St. Leonards to Manly Beach? No; I have heard nothing against it, and I have heard very little for it.
 35. How long have you been living at Manly? About three years.
 36. Do you think it would be for the benefit of the people of Manly, and for the district generally, to have this tramway made? I do not think it will benefit the people of Manly so much as it will benefit the people outside of Manly. I do not see how we shall benefit much by it.
 37. Will it be more convenient for you to come from Manly to Sydney by steamer than by tramway? I have never seen a plan of the proposed route of the tramway, so I cannot say. I do not know how they propose to take the line.
 38. Do the people of Manly take any interest in the question? My profession takes up a great deal of my time, and I have not been among the people who discuss this question much. I think so far as outside is concerned it will be of advantage; but I do not see what advantage Manly will derive from it.
 39. Would it be for the public good? Yes, I think it would be for the benefit of the public. It would facilitate the outlet from Sydney to Pittwater, but beyond that I do not see what advantage it could be.
 40. It would bring the whole of the Pittwater trade, to a great extent, into Manly? Necessarily it has to come into Manly now.
 41. Are there good roads between Manly and Pittwater? Splendid.
 42. *Mr. Gibbes.*] Does not some of the traffic come by sea now to Manly, in order to avoid the bad roads? Yes, with heavy timber and so on. Small vessels come from Pittwater to Sydney.
 43. *Chairman.*] What kind of road is there from Manly to the terminus of the proposed line at Pittwater? It is one of the best that I have ever travelled on in my life; it is a splendid road.
 44. Are there many people located in that part of the country? No.
 45. Any buildings going up there? Yes; there are new buildings going up.
 46. Any cultivation—any clearing of land? With the exception of one or two small lots I see very little cleared land.
 47. Is it very good land? Very sandy.
 48. On the whole, so far as you can gather, the construction of this railway and tramway would be of general benefit to the public? Yes, to the public; but I do not think much of the land between Manly and Pittwater.
 49. *Mr. Gibbes.*] You see no objection to the project? No; it would be of great advantage to the general public.
 50. *Mr. R. Burdett Smith.*] It would be a means of promoting settlement? Yes; at Pittwater it certainly would.
 51. *Mr. Dalton.*] Will it assist Manly? I cannot see how it will.
 52. Are you interested in land on the route? I have some land on the route, but it is such a very small bit that it would not create any interest as far as I am concerned. I have land on the other side of Pittwater.
 53. *Mr. R. Burdett Smith.*] I suppose it will not have any tendency to divert traffic from any line of railway? I do not think so. I think it would assist the Northern Line, without in any way diverting the traffic.

William.

William Spencer Kelly, Esq., called in, sworn, and examined:—

W. S. Kelly,
Esq.

54. *Chairman.*] Where do you reside? At the "Oaks Hotel," Military Road.
55. Have you had any experience of the country between Pittwater, Manly Beach, and St. Leonards? Yes, a good deal.
56. Have you heard anything about the construction of a tramway and railway in that district? Yes; I took an interest two or three months ago in getting up a petition asking the Government to construct a tramway to Manly Beach; I presented it to the Secretary for Public Works.
57. Have you heard of any reasonable objection to the project? No; everyone to whom I spoke upon the subject was in favour of it.
58. Would it be for the benefit of the general public to construct this work? I am satisfied that it would be, as far as North Shore is concerned; the means of transit from North Shore to Manly are very bad.
59. It will be a means of facilitating communication between St. Leonards and Manly, and Pittwater and Manly? Yes.
60. Have you heard of any objection to the proposed height of the bridge across the Spit? I have heard some objection, on the ground that it was not high enough; but, on making inquiry, I found that it is considerably higher than the Government proposed themselves; it is 80 feet high, I believe; within half a mile of my place I got 365 signatures to the petition; I did not meet with one refusal; it will be for the public good to have this line constructed; you might have to wait two hours at the Spit before you could get across with a vehicle from North Shore or Neutral Bay; I have seen women and little children standing for hours in the rain and the sun, waiting for a conveyance.
61. Do you think that if this line were constructed the traffic between Manly and St. Leonards would be greater than it is now? I am sure of it, particularly if the bridge were constructed; even without a tramway the traffic would be far greater than it is now; if you happen to miss a punt now you have to wait half an hour before its return to you from the other side.
62. *Mr. E. Burdett Smith.*] I suppose there are a large number of residents in the vicinity of Pittwater? The population is increasing very rapidly.
63. They are deprived of means of communication with Sydney, except by water? Yes.
64. I suppose it would be a matter of very great convenience to these people to have this railway? Yes.
65. It would not interfere with any Government lines of railway? There is no railway near it.
66. Either in progress of construction or already constructed? No.
67. Therefore it could not divert any legitimate traffic from existing railways? No; the railways are miles away from this locality.
68. The construction of this line would be the means of settling people on land which is now waste? Yes; if means of conveyance were provided in this way all this waste land would be taken up.
69. There is plenty of Government land there? Yes, all the way.
70. And the Government would be able to sell it to much greater advantage if a railway was constructed than they could now? No doubt they would. I go down there sometimes twice a week.

18 Oct., 1887.

George Pile, Esq., called in, sworn, and examined:—

71. *Chairman.*] You are a member of the firm of Mills & Pile? Yes.
72. Are you acquainted with the country between St. Leonards and Manly Beach? Well.
73. Have you heard that it is intended to construct a tramway between these places? Yes.
74. Do you think it would be to the public good to have one constructed? Certainly.
75. You mix greatly among the people of Manly, North Shore, and Sydney? I do.
76. Have you heard of any reasonable objection to this project? I have heard it said that it would be a good thing if some private company were to take up this matter, so as to avoid the repetition of Government blunders.
77. Do you think it would tend to open up the country and cause more traffic and trade to be done between those places? Yes; I think that it would very much improve the value of the land along the route.
78. Do you think it would improve the value of land in the township of Manly? Yes.
79. Are you aware whether the Government have much land in that locality? Yes, they have a great deal of land.
80. Would it improve the value of that land too? Oh, yes; their land lies to the west of the proposed line of tramway; the bulk of their land lies at the head of Narrabeen Lagoon?
81. Is the land, generally speaking, fit for cultivation? There is no land fit for cultivation in the county of Cumberland.
82. Not fit for kitchen gardens or Chinese gardens? You can use plenty of manure, and make it rich; it is capable of being made rich; it is of a sandy nature.
83. Is it good near the Narrabeen Lagoon? There are some fair patches of soil; the bulk of it is sandy loam.
84. Altogether you think it would be for the public benefit to have this line made? I do.
85. You think it would not injure any interest or class of people residing on the route? No, provided that sufficient care was taken that the approach to the waters of Middle Harbour was not interfered with.
86. At what height do you think the bridge over the Spit should be built so as to allow of easy navigation? The bridge should be sufficiently high to allow the funnel of any of the Hunter River Company's steamers to go under it.
87. *Mr. Gibbs.*] How many feet? I am told that 72 or 73 feet is the height of the funnel of some of their largest steamers.
88. Above high-water mark, making allowance for any little rise or fall? Yes; I do not think that room should be left for the masts of steamers.
89. You think that 80 feet would be sufficiently high? Eighty feet between high-water mark and the bottom girder would cover everything.
90. *Mr. R. Burdett Smith.*] Would the line be the means of promoting settlement in the vicinity of Pittwater and Manly Beach? Unquestionably; it would be the means of making Pittwater available to all classes of the people; now it is only available to people of moderate wealth.

G. Pile, Esq.

18 Oct., 1887.

- G. Pile, Esq.
18 Oct., 1887.
91. Do you gather that there is a consensus of public opinion in favour of the project? I have heard so; I have heard nothing to the contrary.
92. It would facilitate, I suppose, the sale of Government lands? Certainly.
93. It would increase the traffic to those particular districts? Yes.
94. And give greater means of communication, I suppose, between the districts and Sydney? Yes, it would be for the benefit of the whole community.
95. I mean also better means of communication with the metropolis? Yes.
96. *Chairman.*] Do you know the country between George Head and St. Leonards? Yes, well.
97. Do you know Cremorne? I am interested in it.
98. Have you heard any objection to taking a branch line from this tramway to Cremorne? I am one of the proprietors; I cannot speak on behalf of them, but I think it would be beneficial to the public interest if the line had a branch to Cremorne, for by that means I think an easier gradient would be obtained to the table-land of the Middle Harbour, and a saving in distance by land of over 2 miles; the extra steaming from Circular Quay to Cremorne against the steaming from the Circular Quay to Milson's Point would not be, I think, more than three minutes.
99. *Mr. Dalton.*] Will it enhance the price of land along the route? One thing will follow the other. I think it will very much enhance the value of land.
100. Are you interested in land along the route? I am interested in land which is within a stone's throw I believe of the proposed route. The Queenscliff Estate is within a stone's throw of it, and I think I should be able to sell that land to much better advantage if the tramway were constructed than I should otherwise.
101. In point of fact it will be the means of increasing the value of the vast tract of country between Pittwater and St. Leonards? I think so.

Cyrus Edgar Fuller, Esq., called in, sworn, and examined:—

- C. E. Fuller, Esq.
18 Oct., 1887.
102. *Chairman.*] Where do you reside? At Manly. I am proprietor of the *Cumberland Mercury*.
103. How long have you been a resident of Manly? I have been a permanent resident for about three years, and an occasional resident for about fifteen years.
104. I suppose you have heard something about this Bill? Yes.
105. Have you conversed with any people on the matter? Yes, with different people.
106. Have you heard of any reasonable objection to the construction of the line? I have heard of no reasonable objection. I have heard of only one objection, and that was made by a person whose land they propose to go through. She does not oppose the project, but she objects to the proposed route, on the ground that it will interfere with the future subdivision of her property.
107. *Mr. Gibbes.*] What is the name of the lady? Miss Jenkins, of Long Reef.
108. *Chairman.*] As far as the public is concerned, have you heard any objections to the construction of the line? No; quite the opposite.
109. What is your own opinion? I think it would be a great good to the whole community to have a tramway or railway constructed along that beautiful district.
110. To the people between Pittwater and North Shore? Not only to them, but also to the people of Sydney, because it would open to them an outlet to a beautiful district, which is not equalled anywhere along our coast. It would provide splendid excursion grounds for the people at Narrabeen Lake.
111. Do you think that the line would be welcome to the people of Manly? I am quite sure of that, I have spoken to so many on the subject.
112. Would it increase the value of property in Manly? Yes.
113. Have you heard of any objection to the construction of a bridge over the Spit? No, except outside the Committee Room, by a gentleman who thinks it should be built 100 feet high, but that, I think, is not a solid objection.
114. *Mr. Gibbes.*] The water is very shallow about the Spit? No, it is rather deep on the eastern side.
115. As far as the current is concerned, a large vessel can go up the harbour? Yes.
116. *Mr. Dalton.*] Have you any knowledge of the depth of water beyond the Spit? Yes. After you get about a mile or three-quarters of a mile above the Spit it becomes very shallow, and you cannot take a small steamer, with 200 people on board, up there. I have been stranded there myself.
117. Within that distance is there 12 feet of water? Yes, in the current.
118. *Chairman.*] Have you heard any objection to a branch line from this tramway to Cremorne? Not a word.
119. Do you think it would be for the public benefit to make such a branch line? It think it would; but only from a Sydney standpoint.
120. I suppose the steamers do not call at Cremorne? No, that is why people have not built there.
121. If a branch line were made to Cremorne it would be a means to cause people to settle there? I have not the slightest doubt about that.
122. Would it be any injury to the general public if this tramway were built along the main road? Not as a tramway.
123. Do you know anything of the extent of the Government land near Pittwater and Manly? The Crown has a great deal of land there, and some very good land too.
124. Would this line make that land more valuable? It would increase its value threefold.
125. I suppose that the line will go pretty close to it? It is proposed to take the line for a distance of 5 miles—I mean on the western side—within a quarter of a mile of the Government land. There is Government land near the route almost all the way from Manly to Narrabeen Lake.
126. Are you aware that this Bill asks for power to make a bridge across the Spit? Yes.
127. Do you think it would be more advantageous to the public that the promoters of this Bill should make the bridge than that the Government should undertake the work? It opens up a very large question. Simply speaking, I believe it would be to the interest of the public if the Government were to build the bridge, because they could then control the traffic as they liked, and control the charges too.
128. Have you any information about the approximate cost of such a bridge? My information is based upon estimates which have been derived from Government sources. It is estimated to cost from £40,000 to £50,000.
129. *Mr. Dalton.*] You know nothing of your own knowledge? No.

William Thomas Ashton Shorter, Esq., called in, sworn, and examined :—

130. *Chairman.*] Where do you reside? At Petersham.
131. Do you know anything about Manly, Pittwater, and St. Leonards? I know Manly Beach very well. I know a great deal about Pittwater; I go there nearly every week.
132. What sort of country is it between Manly Beach and Pittwater, say within a mile of the ocean right along? It is fair country for about 14 miles along the Pittwater Road.
133. Good land? Yes, in a great many parts.
134. Is it cut up in large or small blocks between the town boundaries of Manly and Pittwater? It is in large blocks to a very great extent between those places.
135. Not into small town allotments? Not until you get to Mona Vale, where they have surveyed small lots. There are rather large property owners between the two towns.
136. Are you aware that it is proposed to construct a tramway from North Shore to Manly, and thence a railway to Pittwater? Yes.
137. Have you heard in the course of your business of any reasonable objection to the project? Only in one instance.
138. A public objection? No, it was made by a lady for private reasons. She does not object to a railway being made there provided that it is taken by a different route. She does not object to a railway being taken through her property in certain parts.
139. *Mr. Dalton.*] What is the lady's name? Miss Jenkins. She told me that she had no objection to the construction of a railway there, provided that it does not go exactly along the route which is proposed. What she objects to chiefly is taking away 40 feet of the main road. She said to me, "Why cannot they go further back, or go by another route, so as not to take 40 feet of the main road?" I said, "Have you any objection to the line going through your land?" No, provided that they go to the back of my land." She does not want to be deprived of her frontage.
140. *Chairman.*] From what you know of the people down there, do you believe that it will be of benefit to them? A very great benefit.
141. A general public benefit? Yes, a very great benefit to the local people. I should think that every one ought to be anxious to see such a line begun.
142. What is your opinion with regard to a branch line to Cremorne? I cannot give any opinion.
143. You know Cremorne? No, I cannot give any opinion upon this matter, except as regards the way it will affect the public interests between Sydney and Manly. It would be to the public benefit if the people could be carried comfortably and easily to the waters of Pittwater.
144. Is there any port between Manly Beach and Broken Bay where steamers or vessels could anchor and land passengers? No.
145. Therefore the people of Pittwater have no access to Sydney by ocean unless they come by way of Broken Bay? No.
146. And they must come by land? Yes.
147. *Mr. Dalton.*] Do you know Miss Jenkin's property? Yes, I do.
148. It is an extensive property? Yes, it extends along both sides of the road.
149. Why does she object to this project? She said it would destroy her road frontage.
150. It is rather a hilly property? Yes, in some parts. It is not very good land.
151. Do you know of your own knowledge that she wants the line to go right through her property, over mountains and hills, so as to make it more valuable? I met her in the coach last Saturday, and she stated distinctly that she wants the line to go behind her property, starting at a point about 4 miles from the Beach. It was quite by accident that I met her. She said that she wanted to get the opinions of those who were interested in the matter. I said that the only interest I had was that I was a property owner at Pittwater, and that I thought it would improve the value of the land there. She said, "Let them go to Pittwater, but do not destroy my property."
152. Will this line injure her property? I should think not. It will very greatly benefit it. If I were in her place, I should be only too glad to encourage such a project.
153. Are you interested in the route? Only so far as desiring easy access to the waters of Pittwater, where I have property. At present the coach accommodation is very good, but it is not sufficient to meet the public convenience.
154. *Mr. Gibbes.*] Not speedy enough? No; a coach which is only intended to take ten passengers takes eighteen.
155. *Mr. Dalton.*] You think that a line of railway will make Miss Jenkins' property more valuable than it is now? I am perfectly convinced that it will. I tried to so convince her on Saturday. She said she liked seclusion.

W. T. A.
Shorter, Esq.
18 Oct., 1887.

John George Cousins, Esq., called in, sworn, and examined :—

156. *Chairman.*] Where do you reside? I keep the "Steyne Hotel" at Manly.
157. How long have you resided there? About four years.
158. Have you heard of a proposition to construct a tramway from North Shore to Manly, and a railway thence to Pittwater? Yes.
159. Have you conversed with the general public on the subject? Yes; with a large number of people.
160. What is the general impression? That it would be a great boon to the residents of Manly and Pittwater in particular, and that it would also benefit the general public of the Colony. It would be a grand thing if the work could be carried out. It would benefit not only private estates, but the public property.
161. Have you heard any reasonable objection to the project? None whatever.
162. Have you travelled between Pittwater and Manly? Yes, within the last week.
163. What sort of accommodation is there for travellers? One or two small accommodation houses.
164. I suppose all the traffic has to go by road along the beach to Manly? Yes.
165. It is not carried on by means of steamers? It is impossible to do so owing to the heavy surf which breaks upon the beach.
166. Would a railway be acceptable to the people between Manly and Pittwater? Yes, to a large majority of them.

J. G. Cousins,
Esq.
18 Oct., 1887.

- J. G. Cousins, Esq. 167. Would it increase the value of property, and bring more trade to the place? Most certainly.
 168. Would it do good to Manly? Yes.
 18 Oct., 1887. 169. Would it bring more trade there? Yes; and increase the value of property generally.
 170. As a resident of Manly you think the construction of the line is desirable, and that there is no reasonable objection to it? Yes.
 171. *Mr. Dalton.*] The great bulk of the visitors to Sydney usually pay a visit to Manly? Yes; as a rule.
 172. And if a tramway were constructed to that place, you think that these people would avail themselves of it? Yes; I think that many of the visitors who cannot go to Manly now on a rough day, because of their liability to sea sickness, would go there by tramway if there were one. It would be for their benefit as well as for the benefit of the people of Manly and Sydney, to have a tramway to Manly.
 173. *Mr. Gibbes.*] And a trip from Manly to Pittwater would be taken by them most likely if a railway were built between those places? Yes, especially on holidays.

Samuel Bryant Rowe, Esq., called in, sworn, and examined:—

- S. B. Rowe, Esq. 174. *Chairman.*] You are a Civil engineer, I believe? Yes.
 18 Oct., 1887. 175. You thoroughly understand engineering, measuring, and gradients? I have had a great deal of experience.
 176. Have you examined the country between St. Leonards, Manly Beach, and Pittwater? Yes; in reference to this particular line, I have gone all through it two or three times; I surveyed the route.
 177. Have you any information as to the gradients, and the difficulties to be contented with? Yes.
 178. Is it your opinion, as a professional man, that this line can be constructed with advantage to the public? I think so.
 179. What are the gradients? The steepest gradient is on the new Government road to the Spit, it is 1 in 20.
 180. The route of the proposed tramway is from North Shore along the Military Road to the Spit? Yes; it is almost a dead level until you get to the descent to the Spit.
 181. How far is it from the proposed junction with the Government tramway at St. Leonards to the Spit? It is $3\frac{1}{2}$ miles from Falcon-street, the starting point, to the Spit.
 182. *Mr. Dalton.*] At what distance from the Spit do you intend to make the approach to the bridge? It goes back between 30 and 40 chains.
 183. *Chairman.*] Have you had any practical experience in the construction of tramways and railways? Yes.
 184. How long do you think it would take a company to make a tramway from Falcon-street to the Spit? A very short time. It could be made, I suppose, in six or eight months. There is no work until you get to the bridge itself; there is very little work beyond laying the rails.
 185. In what time could the tramway be made from the Spit to Manly? It could be done easily within ten months, excluding the bridge.
 186. *Mr. Gibbes.*] How long would it take to build the bridge? There are many preliminaries to be considered, but once the bridge was fairly started, I think it might be done—I should not like to specify less—within two years.
 187. *Chairman.*] If the promoters of the Bill were bound to build the tramway, with the exception of the bridge, within twelve months to Manly Beach, would it cost them more money, or prejudice their interest in any way? It might be done within that time, still it is not advisable to fix so short a limit.
 188. Suppose it were fixed at eighteen months? It could be done within that time without the slightest difficulty.
 189. You think that the line from Falcon-street to the Spit could be finished within six months? Yes.
 190. Would it put the promoters of the Bill to any great expense if such a provision were made in it? I would rather have it made eight months. There might be a little difficulty in getting the rails from England.
 191. Have you heard any reasonable objection to this project? None whatever.
 192. Would it be for the benefit of the public to build such a line? I think so. I think that the people of Manly would be very much benefited indeed, for it would save them the trouble of crossing the Heads.
 193. Have you any idea of the approximate cost of a bridge across the Spit? I have gone into the matter, my estimate was about £80,000.
 194. You think that it would take two years to make the bridge? If I were writing the specifications for the bridge I should not fix upon any less time than that. It will probably be an iron bridge, and the only difficulty will be about getting in the cylinder foundations.
 195. Do you think that it would be to the advantage of the promoters of this Bill if the Government were to build the bridge? Yes, I do.
 196. Do you know whether it is the wish of the public that the Government should do so? Yes; I have heard very many people express a wish that the Government would build the bridge.
 197. *Mr. Dalton.*] What is the distance between Falcon-street, the starting point of the tramway, and Manly? Seven miles.
 198. And the distance from Manly to Pittwater? It is 11 miles 15 chains.
 199. You have made an estimate of the cost of the line between St. Leonards and Manly, exclusive of the bridge? Yes; my estimate is somewhere about £2,000 a mile, including the rails.
 200. What is the width of the Government road between the Military Road and the Spit? It is about a chain wide.
 201. Suppose that a tramway were laid on this road, would it impede vehicular traffic? Not so much as is done in Sydney. The roads in the city are very much less than a chain wide as a rule.
 202. *Mr. Gibbes.*] Suppose we were to provide that within six months the promoters shall make a good start with the work; that within six months thereafter they shall conclude 4 miles of the permanent way from whichever end they like, as a sign of their *bonâ fides*; and that they shall complete the line from St. Leonards to Manly within eighteen months from the passing of the Bill—would that be reasonable? Yes.

THURSDAY,

THURSDAY, 20 OCTOBER, 1887.

Present:—

MR DALTON, | MR. GIBBES,
MR. R. BURDETT SMITH.

G. DAY, ESQ., IN THE CHAIR.

Mr. Smith, for Stephen, Laurence, & Jaques, appeared as Solicitor for the Bill.

Leon Houreaux, Esq., called in, sworn, and examined:—

203. *Chairman.*] Where do you reside? I am an hotel-keeper and a fruit-grower on the Pittwater Road, L. Houreaux, Esq.

204. I suppose you have heard about this project to construct a tramway and railway from St. Leonards to Pittwater *via* Manly? Yes, it will be a great improvement. It will induce people to visit the place. The present coaching accommodation is not sufficient to meet the requirements of the public; the fares are too high. 20 Oct., 1887.

205. Do you think that this line will be beneficial to the public? I think so. It will be a great advantage to excursionists. If Frenchmen or Italians or Belgians or Germans come to my place now they are charged £1 each by the coach proprietor. Many people will not come now because the fare is too high. One day it is £1, another day 2s. 6d., another day 15s.; it is not regular.

206. Virtually, he charges what he likes? Yes. People will not travel by Mr. Black's coach because he is too expensive. Yesterday, three customers came to my place, "The Rock Lily Hotel," and he charged them 15s. each for a single fare.

207. Have you had any conversation with the general public as to this Bill? Everyone is very pleased at the idea of the tramway and railway being constructed. At present, whenever a fruit-grower puts his fruit on the boat at Pittwater, and the wind changes, he loses the whole lot.

208. Have you heard anyone object to the project? No, everyone is very glad.

209. Do you think it will increase the importance of the place and enhance the value of land? Yes.

210. It will increase settlement there? Yes, certainly. I am an engineer, and for a long time I worked on the railways in France, Italy, Belgium, and Germany, and I noticed that wherever railway communication was extended it increased the value of property.

211. *Mr. Gibbes.*] A fruit-grower at Pittwater has to send his fruit to Sydney by ocean, the boats are very small, and if any bad weather comes on the fruit may rot before they start? Yes. Two years ago I had an orchard of 640 acres, and many a time I used to lose my fruit simply because the boat did not go.

James Joseph Roach, Esq., called in and examined:—

212. *Chairman.*] Where do you reside? I am postmaster of Bay View Post Office, at Pittwater. I have lived there for the last four or five years. I am a storekeeper also, and necessarily come a great deal into contact with the public. J. J. Roach, Esq.

213. Do you ever converse with the public on such matters as railways? Yes; frequently. 20 Oct., 1887.

214. Have you ever had any conversation about this proposed tramway and railway from North Shore to Pittwater, *via* Manly? Yes.

215. What is the general impression that you gathered from their remarks? That it is very much required, as our communication with the Sydney markets is very bad. At present we cannot get our fruit to Sydney in time for the markets. The carriage is very long, the fruit is spoilt, the freight is high, and, after the charges and commission are deducted from the receipts, our profit is very small.

216. Do these steamers trade regularly to Pittwater—do they go every day? No, once a week; in fact there are no regular steamers at all.

217. Virtually, if your fruit was ripe you would not be able to send it to market at all, on account of the steamers not trading regularly? No; I should have to send it overland to Manly Beach, pay a heavy freight there, and send it to market by the harbour steamers.

218. Have you heard anyone at Pittwater or elsewhere object to this project? I have heard no one who is interested in the district offer any objection. I have heard a few Manly people just give their opinions on the matter, but not against it.

219. Do you, as a resident, think that it will promote settlement? I think so. Pittwater is the garden of New South Wales. It is beautiful land, and is fit for agricultural purposes.

220. Does its fruit grow well? Beautifully. I have an orangery myself, and I have heard men who had travelled in Spain and Portugal, where this fruit is indigenous, say that my trees are equal to any that they had ever seen in those countries.

221. *Mr. Gibbes.*] You think that the construction of this line will be beneficial to the people you know and to the public generally? Yes.

Patrick Edwin Fallon, Esq., called in, sworn, and examined:—

222. *Chairman.*] Have you lived long in Manly? I have lived there, on and off, for some time. I have property in the district. P. E. Fallon, Esq.

223. Are you aware that a company has been formed to construct a tramway from St. Leonards to Pittwater, *via* Manly? I have heard something about it. I do not exactly know the particulars. 20 Oct., 1887.

224. From your knowledge, do you, as a practical man, think that the undertaking will be beneficial to the district and to the public generally? I have not the slightest doubt but that it will. I think it is the most beautiful suburb about Sydney.

225. Do you think that if the project was carried out, travellers and passengers from Manly to Sydney would come by that way instead of by steamer? I think that some of them would.

226. Would it be more convenient for you to come by land—would you sooner depend on the tramway than on the steamer? I would sooner depend on the steamer, of course. 227.

- P. E. Fallon, Esq.
20 Oct., 1887.
227. *Mr. Gibbes.*] If you owned any property at Manly, you think that the construction of the tramway would increase the value of it? I think it would.
228. It would facilitate trade and create settlement? I think so. Many people object to go to Manly now because of the trip down the harbour.
229. *Chairman.*] Do you know anything about the proposed railway from Manly to Pittwater? No; I simply read something about it in the newspapers.
230. Do you know anything about the land at Pittwater? I have not been as far as there. I have been as far as Narrabeen.
231. *Mr. Dalton.*] What would the difference in time be between coming from Manly to Sydney by tramway and coming by steamer? It would depend upon whatever speed the tramway would travel. I could not possibly say. On many days, when stormy winds are blowing, people, although they could get to Sydney as quickly by boat, would prefer to come by tramway.
232. *Chairman.*] There are times, in very rough weather, when timid people would sooner remain in their homes at Manly than come to Sydney by steamer? Yes; I have done so myself on several occasions.
233. Do you know any people who have been really afraid to leave Manly on account of the weather? I do not know of any such people; but I know that I, myself, have done so once or twice. I have preferred to stay at Manly for the day than to come in to business, and risk the trip across the Heads.

Walter Reeks, Esq., called in, sworn, and examined:—

- W. Reeks, Esq.
20 Oct., 1887.
234. *Chairman.*] What profession do you follow? I am a naval or marine architect. I reside at Alfred-street, North Shore.
235. Are you aware that a company has been formed to construct a tramway and railway from St. Leonards to Pittwater *via* Manly? I have heard of it within the last hour. I have come to give evidence with reference to the height of the proposed bridge at the Spit.
236. Do you know much of the country between St. Leonards and Pittwater *via* the Spit? I have been over the ground two or three times.
237. Do you know where they propose to erect the bridge at the Spit? Yes.
238. At what height should the bridge be erected so as to conserve the public interest? I look at the matter principally from a yachtsman's point of view.
239. *Mr. Gibbes.*] What is the depth of the water at the place where the bridge would go over the Spit? It is shallow water between the entrance to the harbour and the Spit. You cannot get to the Spit without crossing that shallow water.
240. You have been there often? Yes, many times.
241. What is the depth of the channel on the opposite side to the Spit? The depth is very ample to allow any ordinary coasting steamer to go up the harbour. It is certainly not less than 35 feet at that point.
242. How high do you think the bridge should be built above high-water mark in order to enable (say) a large coasting steamer to go up the channel without lowering her funnel? 70 feet.
243. *Chairman.*] Do you know the height of the last two steamers which were built for the Port Jackson Company—the "Brighton" and the "Fairlight"? Not to a nicety. I should think that it is about 40 feet from the water to the top of the funnel.
244. Do you think it is likely that larger steamers than those would go above the spit? Very much larger vessels can go up there.
245. Would the funnels of such vessels be higher? The funnels of the "Brighton" and the "Fairlight" are high.
246. *Mr. Dalton.*] The funnels of the Illawarra Company's or the Hunter River Company's steamers are a little higher? Yes, they are about 45 feet high.
247. *Chairman.*] Do you think that 70 feet above high-water mark would be an ample height for the bridge? It would be as little as you could do with to take coasting vessels under the bridge.
248. *Mr. Smith.*] What is the depth of water on the bar which exists just before you come to the Spit? Nine feet. You cannot cross it with more than 8 feet 6 inches draught.
249. What does the "Brighton" draw? 6 feet 3 inches, I think.
250. As a matter of fact a very large steamer could not go up to the Spit whether a bridge were erected or not owing to the shallow water? There are vessels in America of over 2,000 tons which do not draw more than 6 feet of water, therefore a large vessel could go up past the Spit.
251. *Chairman.*] Do you know the water frontage above the Spit? I have been up the harbour.
252. Is the country good for settlement? No, I should not think it is. It is rocky, high, and precipitous.
253. *Mr. Smith.*] Do you know the height of the bridge over the Parramatta at Ryde, or over the Hawkesbury River? I know both bridges. I could not speak accurately as to the height of them.
254. Are they both less than 50 feet? I think I am safe in saying they are.

Gerard Phillips, Esq., called in, sworn, and examined:—

- G. Phillips, Esq.
20 Oct., 1887.
255. *Chairman.*] Where do you reside? I reside at St. Leonards; I have lived there for about eight years; I am a land agent; and I am also attorney for Mr. John Cooper, through whose land it is proposed to take the tramway for about three quarters of a mile.
256. Have you heard of any public objection to the construction of this line? I have heard of none. I know nothing about it except from what I have read in the newspapers.
257. I suppose the question of the construction of this line crops up in business circles? Yes.
258. Generally speaking the people are in favour of the project? Yes.
259. Would it do good to the district? I am of opinion that it would advance the district very much. It would increase the value of land along the route, and it would be a great facility and help to the public there. I may mention that I know nothing whatever about the terms on which the line is to be constructed, or the kind of tramway which is intended to be placed there. I know nothing except that a tramway is to be placed there. A tramway would be of great assistance to the public if it were properly constructed and kept in the middle of the road.

260. There would be no objection to the tramway running along the road? I do not think so. I have not heard of any opposition. Everyone has said what a good job it would be if a tramway were constructed.

G. Phillips,
Esq.
20 Oct., 1887.

261. *Mr. Dalton.*] There is no doubt that it would enhance the value of land? No.

262. Have you any interest in the company? Not in the slightest degree. I came here as an *amicus curiæ*, as the lawyers say.

Charles Austin, Esq., called in, sworn, and examined:—

263. *Chairman.*] I believe you are the Mayor of Manly? Yes; I have lived there permanently for about fifteen years.

C. Austin,
Esq.
20 Oct., 1887.

264. You are well acquainted with the locality, and the wants and requirements of the public? Yes.

265. Have the Council of Manly ever taken any action either for or against the construction of this tramway and railway from St. Leonards to Pittwater *via* Manly? It was brought up for the first time at the last Council meeting in connection with an application for the use of some maps &c., belonging to the Council.

266. Have the Council any objection to the project? The Council do not object to a railway, but they wish to see that proper guarantees of their *bonâ fides* are given by the promoters of the Bill.

267. *Mr. Gibbes.*] Suppose it were embodied in the Bill that the company should start work within six months, that within six months thereafter they should complete at least 4 miles of the permanent way, and that within a further period of six months thereafter they should complete the line, except the bridge, from St. Leonards to Manly—would that meet your desires? Hardly.

268. Would that not be sufficient evidence of the *bonâ fides* of the company? The Council wish more particularly that the bridge should be first commenced. The Council seem to want to know who are the promoters of this Bill. The Council have been promised by the Government that a bridge across the Spit shall be built, and a tramway completed within a very short space of time, and that a sum of money shall be placed upon this year's Estimates for that purpose. And in view of this Bill they think that the Government will not ask Parliament for a vote, and that the matter will lie over for a long period. They wish me to ascertain the names of the persons who form this company. It is reported that the work is to be carried out with French or English capital, and that shares in the company are being hawked about. I am desired if possible to exact a definite statement as to whether it is a *bonâ fide* company or not.

269. *Chairman.*] Will the Council have any objection to the project if it is commenced within a certain time, and finished within a reasonable time, which is a very short time? The Council have no objection. They applaud the idea of a railway or a tramway coming to Manly. They are anxious to know some particulars about the matter.

270. *Mr. Dalton.*] In fact the Council require that a certain sum of money shall be deposited by the Company as a proof of their *bonâ fides*? Yes.

271. *Chairman.*] Do you not think that if we were to insert a clause to the effect that the works shall be commenced within a certain time, and finished within a certain time, it would protect the public sufficiently? I think so.

272. *Mr. Gibbes.*] In short, your evidence is, this, that the construction of this line will not injure Manly? No, it will be beneficial to Manly and to the public generally.

273. *Mr. Dalton.*] Are the people of Manly interested in the height of the bridge at the Spit? It is a matter which they prefer to leave to the Government to consider. It is a question whether a low level bridge with a swing is not better than a high level bridge.

Alderman Robert Evans called in, sworn, and examined:—

274. *Chairman.*] I believe you are a resident and an alderman of Manly? Yes; I have lived there for about fifteen years.

Alderman
A. R. Evans.
20 Oct., 1887.

275. You know the country all around? I know every inch of it nearly.

276. You know the public wants and requirements of the locality? Yes.

277. Have you heard of any intention to construct a tramway and railway between St. Leonards and Pittwater *via* Manly? Yes.

278. Do you think it ought to be constructed? I believe it will be a very great boon to the district.

279. To Manly? Not only to Manly, but to the district generally—to the people between Pittwater and St. Leonards.

280. Would it cause more settlement to take place there? As a matter of course that would follow.

281. Is the land along the route fit for cultivation for orchards? There is no good land between St. Leonards and Manly.

282. What sort of land is there at Narrabeen? There is no good land until you get to the other side of Narrabeen. There is no good land between St. Leonards to Narrabeen; it is all sandy and rocky.

283. Is there any settlement between Manly and Pittwater? Yes; several houses have been put up.

284. As to the height of the bridge at the Spit what is your opinion? I think that it should be erected by the Government. The height ought to be 100 feet. I look upon the Middle Harbour as the future coaling port of Sydney. There is not the slightest doubt, I think, that the coal which is got between Sydney and Newcastle, and a great deal of the coal which is brought from Newcastle, will eventually be delivered at Middle Harbour, and instead of vessels, after they have unloaded their merchandise, being towed to Newcastle, they will coal at Middle Harbour, and sail straight away to their destination.

285. *Mr. Dalton.*] Is there not a bar before you come to the Spit? Yes; but such vessels as the "Collaroy," the "Florence Irving," and ships of that class, have been able to go up there.

286. Ordinary vessels of 1,000 tons, drawing 16 or 17, or even 12 feet of water would not be able to go up the harbour? I am not speaking of the depth of water. I say I have seen large vessels up there.

287. You mean flat-bottomed steamers? They were steamers drawing from 12 to 14 feet.

288. Do you know the depth of water on the bar? No.

289. *Chairman.*] Have you seen vessels drawing from 12 to 15 feet of water pass over the bar? No; I have seen such vessels in Pearl Bay, which is beyond the bar.

290.

- Alderman 290. How far is it navigable above the Spit? For miles.
 A. R. Evans. 291. Do you think that a bridge well erected and at a proper height would be a great advantage to the general public? Yes.
 20 Oct., 1887. 292. Have you heard any decided objections to the construction of this tramway? Yes; I have heard of several objections. I think that the Government should be careful to satisfy themselves that the promoters of the Bill have the means with which to carry out the work. If so, I think that every encouragement ought to be given to private enterprise of this character.
 293. If the Company is bound down to begin the work within a very reasonable time, and to finish it within a reasonable time, it would be a sufficient guarantee of their *bonâ fides*; it would be a sufficient protection of the public interests? Yes; it is an important point. Anyhow the line will be a very great boon when it is constructed.

Thomas Steiner McCormick, Esq., called in, sworn, and examined:—

- T. S. M'Cor- 294. *Chairman*.] Where do you reside? At 105, Dowling-street.
 mick, Esq. 295. It is proposed in this Bill to build a bridge, 50 feet high, over the Spit, is there any objection to that? Yes; I think that a bridge of that height would destroy the free navigation of Middle Harbour; for instance, the "Namoi," some of the Illawarra Company's boats, and the Clarence River boats can all proceed up the harbour at present. I have a note from Mr. Thomas, the manager of the Hunter River Company, in these words, "Height of 'Namoi's' mast above water, when vessel is not loaded, 86 feet." The new steamers such as the "Newcastle" and "Namoi" have not any topmast, their mast is all in one piece.
 20 Oct., 1887. 296. Can the "Namoi" get up at all? I think so; there is 10 feet at low water, and 16 feet at high water at my wharf at the Fig Tree.
 297. *Mr. Dalton*.] What water does the "Namoi" draw? I do not think she draws more than 9 feet; she goes up the Hunter River, and I know it is very shallow near Morpeth.
 298. *Mr. Gibbes*.] How high do you think the bridge should be in the clear between high water and the lower part of the superstructure? 100 feet.
 299. It would clear any vessels; it would be an ample height? Yes.
 300. But you could do with 80 feet? No; it would be 6 feet too low for the "Namoi."
 301. A height of 100 feet would do for all time? Yes, in my opinion.
 302. *Chairman*.] Have you heard any objection to the construction of this tramway? No, I have not discussed that matter.
 303. Do you, as a property owner, think that it will be beneficial to the people generally? Not according to this route; I think it is an extravagant route to take; I think the proper way to reach Manly is by railway from the Northern line, round the head of Bantry Bay, where they would have easy gradients, and go straight on to Pittwater.

Frederick Henry Trouton, Esq., called in, sworn, and examined:—

- F.H. Trouton, 304. *Chairman*.] What is your profession? I am a steamboat manager, and master mariner. I was general manager of the A.S.N. Company. I reside in Sydney.
 Esq. 305. Have you heard anything publicly of the proposed construction of a tramway from St. Leonards to Manly? Nothing whatever.
 20 Oct., 1887. 306. Do you know anything about the locality? I know it pretty well, as an old resident.
 307. Would it be for the benefit of the public to carry out the undertaking? I have not that knowledge. I do not live in the neighbourhood.
 308. *Mr. Dalton*.] Are you acquainted with the soundings of the Middle Harbour? Yes.
 309. What is the depth of water on the bar before you get to the Spit? You will get barely 1½ fathoms at ebb spring tide. The old Admiralty chart has 1½ fathoms on it.
 310. What is the nature of the bar? Sand. It runs from shore to shore. It runs about half a mile up and down the harbour.
 311. Is it possible to remove it by dredging? I think so.
 312. Do you think it would silt up again? Yes; I do not think there is current sufficient to keep the channel clear. It wants a river at the back.
 313. What distance is the bar from the Spit? Three quarters of a mile. It lies between the Spit and Balmoral.
 314. *Mr. Gibbes*.] What do you think should be the height of the lower part of the bridge so as to clear the masthead of a ship at high tide? It would not be safe certainly under 100 feet.
 315. Would that be ample? I think it would, because you can always make any vessel with extra high mast strike their topgallant mast.
 316. Suppose a vessel that has no topgallant mast wanted to follow a boat race? A big steamer that would have a mast of that height could not of herself go round the Spit.
 317. Would the "Namoi" be able to cross the bar? Yes; she has not a mast of that height.
 318. *Mr. Dalton*.] It is stated that vessels of the size of the "Namoi" can get up the harbour past the Spit? I am rather astonished to hear that she can. Of course she would not be loaded. I fancy that the "Namoi" would certainly draw 9 feet of water, so she must go when there is water on the bar, and come back when there is water on the bar. She might go there on a holiday. The difference between high water and low water is from 5 to 6 feet.
 319. *Mr. Gibbes*.] You think that the height of the bridge should be very little less than 100 feet? No; in other places in the world it is not the custom to build a public bridge to fit the height of a mast; the mast is built to fit the height of the bridge. I do not think it would be fair to build a bridge at the Spit under 100 feet high.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

NORTH SHORE, MANLY, AND PITTWATER
TRAMWAY BILL.

(PETITION IN FAVOUR OF—RESIDENTS OF NORTH SHORE.)

Received by the Legislative Assembly, 15 November, 1887.

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

The humble Petition of the undersigned residents at St. Leonards and North Shore,—

Whereas there is a Bill before your Honorable House by Clement Alban Benbow and Leslie Johnston for the construction of a tramway or railway from Saint Leonards to Manly and from Manly to Pittwater, and for the erection of a bridge over the Spit at Middle Harbour: And whereas your Petitioners are very desirous that such tramway or railway should be made, and that such bridge should be erected, but your Petitioners respectfully submit that the charging of tolls for the said bridge would be vexatious and contrary to ordinary usage:

Your Petitioners therefore humbly pray that provision or arrangements be made so that the said bridge when made shall be free of toll to the public.

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

[*Here follow 200 signatures.*]

A similar Petition was received on 15th November, 1887, from residents of Manly;—79 signatures.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

OAKLEY PARK COAL-MINING COMPANY'S
RAILWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
27 *March*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 51. FRIDAY, 10 FEBRUARY, 1888.

5. OAKEY PARK COAL-MINING COMPANY'S RAILWAY BILL (*Formal Motion*):—*Mr. Cameron*, for *Mr. Hurley*, moved, pursuant to Notice,—
- (1.) That the Oakey Park Coal-mining Company's Railway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Sutherland*, *Mr. Frank Farnell*, *Mr. Henson*, *Mr. Walker*, *Mr. Lyne*, *Mr. Stevenson*, *Mr. Colls*, and the Mover.
- Question put and passed.
-

VOTES No. 71. TUESDAY, 27 MARCH, 1888.

12. OAKEY PARK COAL-MINING COMPANY'S RAILWAY BILL:—*Mr. Hurley*, 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 consideration and Report this Bill was referred on 10th February, 1888, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

OAKEY PARK COAL-MINING COMPANY'S RAILWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 10th February, 1888,—the "*Oakey Park Coal-mining Company's Railway Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose *See list, p. 4. evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

JOHN HURLEY,
Chairman.

No. 2 Committee Room,
Sydney, 27th March, 1888.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 21 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. Hurley,	|	Mr. Frank Farnell,
Mr. Walker,	|	Mr. Stevenson.

Mr. Hurley called to the Chair.

Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.

Printed copies of the Bill *referred*, together with the original Petition, to introduce the same before the Committee.

Present:—Philip Hurley Sullivan, Esq. (*Solicitor for the Bill*).

Philip Hurley Sullivan, Esq., sworn, and examined.

Room cleared.

Committee deliberated.

Ordered:—That Brisbane Doyle, Esq., and J. Rutherford, Esq., be summoned to give evidence next meeting.

[Adjourned to Tuesday next at *half-past One* o'clock.]

TUESDAY, 28 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. Colls,		Mr. Henson.
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In the absence of a quorum the meeting called for this day lapsed.

TUESDAY, 27 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Hurley in the Chair.		
Mr. Walker,	|	Mr. Stevenson.

Present—Phillip Hurley Sullivan, Esq. (*Solicitor for the Bill*).

Phillip Hurley Sullivan, Esq., further examined.

William Gray, Esq., called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clause 1 read, amended,* and agreed to.

Clauses 2 to 31 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill, with an amendment, to the House.

* See Schedule of Amendment

SCHEDULE OF AMENDMENT.

Page 2, clause 1, line 13, *after* “Act” *insert* “and to connect same with the Great Western Railway.”

LIST OF WITNESSES.

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

Oakey Park Coal-Mining Company's Bill.

TUESDAY, 21 FEBRUARY, 1888.

Present:—

MR. FRANK FARNELL,
MR. HURLEY,

MR. STEVENSON,
MR. WALKER.

J. HURLEY, Esq., IN THE CHAIR.

Phillip Hurley Sullivan, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are solicitor for this Bill? Yes.
 2. You have published the necessary advertisements in the local and metropolitan papers as well as in the *Government Gazette*? Yes. P. H.
Sullivan, Esq.
21 Feb., 1888.
 3. And you have paid into the Colonial Treasury the necessary sum in connection with the Bill? Yes.
 4. You prepared the Bill? Yes.
 5. Its contents, as far as you are aware, are perfectly true? Yes.
 6. It is actually necessary for the development of this Company that the railway should be constructed as laid down in the plan on the table? Yes.
 7. Will it interfere in any way with the rights of other persons? No; except that it will run across lands which I believe belong, or did belong, to Messrs. Tucker and Haynes.
 8. Any interference with their rights is provided for in the form of arbitration? Yes.
 9. Have you received any communication with regard to opposing the Bill? I have heard of no opposition whatever except that which I read of in the *Australian Star*. I made inquiries to find out what it meant, but I could get no satisfaction.
 10. *Mr. Walker.*] What was the effect of the paragraph? Simply that we were ignoring someone's rights.
 11. Ignoring the rights of someone from whom you had received a communication? I presume it was.
 12. *Chairman.*] You received some communication—what was it? It was a communication addressed to our managing director, Mr. Fryer, of Katoomba. It is as follows:—
- Mr. Fryer,—
Dear Sir,
- Penrith, 15 February, 1888.
- As the scrip given for Mrs. Doyle's half, the land now being used by the Oakey Park Company is valueless; she does not wish the Railway Bill to pass; consequently I have intimated so to some of my friends who form the Committee on the Bill. I think I can promise you strong opposition to the Bill, unless Mrs. Doyle's shares in the affair are registered. I have no desire to be a member of your Company.
- Yours, &c.,
B. DOYLE.
13. What view do you take of this letter? On Mr. Doyle's marriage with Miss Gray, Mr. Gray gave her 2,500 fully paid up shares.
 14. A sort of marriage dowry, I suppose? Yes.
 15. *Mr. Walker.*] When did the marriage take place? Three or four months ago.

- P. H. Sullivan, Esq.
21 Feb., 1888.
16. Since then Mr. Doyle has asked his wife to transfer these shares to him? Yes. She actually signed the transfer on a piece of paper and sent it to us, but at a Board meeting we declined to register it.
17. Did you register the transfer of the shares from her father to her? Yes.
18. And all you declined to register was the transfer of the shares from her to her husband? Yes. The Board had justifiable grounds for their refusal.
19. Is Mr. Gray a member of the Board? Yes.
20. Are you aware whether he was present when the Board refused to make this transfer? It was refused at his express request.
21. *Chairman.*] This letter says, "As the shares given for Mrs. Doyle's half, the land now being used by the Oakey Park Company is valueless." What does he mean to convey? I have no idea. My scrip is in a similar form, signed by the same directors, and it is quite good.
22. Is work being carried on vigorously at the mines? We have now bottomed.
23. There is a shaft being sunk? Yes, 303 feet deep. We are now raising coal.
24. Is the mine being developed vigorously? Oh yes; we have spent nearly £2,300.
25. You fully intend to carry out all the provisions of this Bill? Yes.
26. *Mr. Walker.*] What is the length of the line? From 16 to 20 chains.
27. *Chairman.*] At the starting of the Company Mr. Gray promised to give a certain portion of its scrip to his daughter, now Mrs. Doyle. Do the Company still refuse to register these shares in Mrs. Doyle's name? No.
28. So that her interests to all intents and purposes are protected and respected the same as when she was Miss Gray? Yes. I may state that a resolution was arrived at by the Board stating that they would transfer the shares to anybody else but Mr. Doyle, at her request.
29. *Mr. Walker.*] By the articles of association you are empowered to refuse to transfer any shares when you think you have sufficient reason for doing so? Yes. I have no objection to stating the reasons in this case.
30. Although it is provided that any question of loss may be decided by arbitration, the railway will not injure the adjoining estates by shutting them off from the water frontage? No. I have it on the best authority that it will not interfere with mining if they choose to mine beneath the ground, or with the creek which runs down. The reputed owners of the land through which the railway will run, if constructed, are sinking a shaft on the other side of the Great Western Railway, and their manager informed me that it would enhance the value of their land, and not depreciate it.
31. *Chairman.*] Is there any provision which will enable those persons who are adjacent to the railway to use it upon payment of a certain charge? No. It was provided for in the original Bill.
32. Do you not think that in the interest of adjoining land-owners some provision should be made in the Bill which would enable them, if they wished, to send their coal to market by this railway? We have 1,300 odd acres, and there is nobody at the back of us.
33. I mean those persons that are situated between you and the Government railway? There is only about 20 chains of land from us to the railway.
34. There can be no objection, I suppose, on the part of the Company to insert a clause providing that those persons lying between you and the Government Railway may have the right to use the line on certain conditions? We have no objection.
35. *Mr. Walker.*] You expect that this line will increase the revenue of the Government railway? Yes.
36. *Chairman.*] And that it will give employment to a large number of miners, thereby benefitting the district and the country generally? Yes.
37. *Mr. Stevenson.*] What is the estimated cost of the railway? About £5,000. We could do it ourselves much cheaper, as you are aware, but the Commissioner for Railways will construct the railway at our cost.
38. *Chairman.*] They construct the line and make a charge on your Company? Yes. If we did it ourselves we could do it just as effectively, and much cheaper.
39. *Mr. Stevenson.*] Do they call for tenders? I do not think so.
40. *Chairman.*] There are lines in that district which have been constructed by the Government at the cost of the land owners? I do not know whether the Government constructed the Lithgow Valley Line. I am informed that they are constructing one to the Vale Colliery.
41. *Mr. Walker.*] The mine will be perfectly valueless if you do not get permission to construct this line? Yes. We have coal ready to be taken away as soon as it is constructed. We have applied to the Commissioner to test it.
42. *Chairman.*] Have you any other evidence to offer? I was informed that George Pile, John Yelverton Mills, John Bennett, and the Bank of New Zealand, are all interested in the adjoining coal property; but Mr. Pile has asked us to strike his name out of the preamble of the Bill, as he has nothing whatever to do with the land.
43. You believe that the Bank of New Zealand, Mr. Bennett, and Mr. Mills are interested in the adjoining property? Yes. I have been informed by Mr. Pile that he has no interest in the land.
44. Do you pass through any property belonging to Mr. Rutherford? I am not aware of it. This is the first I have heard of it.
45. Have you received any intimation or threat that anyone is opposed to the Bill? No, excepting the letter from Mr. Doyle, which I have read to the Committee; although I have published the necessary advertisements in the local and metropolitan papers as well as the *Government Gazette*.

TUESDAY, 27 MARCH, 1888.

Present:—

MR. STEVENSON, | MR. WALKER.
J. HURLEY, Esq., IN THE CHAIR.

P. H. Sullivan, Esq., appeared as Solicitor for the Bill.

P. H. Sullivan, Esq., recalled, and further examined:—

46. *Chairman.*] At the last meeting of the Committee certain objections were raised to the passing of this Bill: are you aware whether those objections have since been removed? There was a letter from Mr. Rutherford, and also one from Mr. Doyle, objecting to the Bill going through. The meeting was adjourned for the purpose of summoning both these gentlemen to attend, and they were summoned, and I also gave them notice. I saw Mr. Rutherford in the street, and he told me that he had made a mistake, that the railway does not go near his land, and that he was misinformed. He said he would not be in attendance any more, as he was not interested in the matter.

P. H. Sullivan, Esq.
27 Mar., 1888.

47. *Mr. Stevenson.*] Did he authorize you to make this statement? Yes. I wrote him a letter, pointing out that he was under a misapprehension, and he wrote back to say that I was right and he was wrong. The following is his letter.

Dear Sir,

I gathered from Mr. Hurley's remarks when speaking about the Oakey Park Company's Railway Bill that it went through a part of the E.B. Estate, in fact he is reported to have said so. I am told now that it does not come within some chains of it. If that is so I regret the trouble I have caused, but Mr. Hurley is alone in fault.

Bathurst, 24 February, 1888.

P. H. Sullivan, Esq.,
Solicitor.

Yours truly,
J. RUTHERFORD.

48. *Chairman.*] Do you know whether the objection raised by Mr. Doyle has also been removed? That I could not say. Mr. Doyle attended the last meeting, at which there was no quorum.

49. Do you know the nature of his opposition to the Bill? Yes. He told our manager, Mr. Fryer, and myself, after the last meeting was over, that he would object to the Bill going through; that unless certain shares which now stand in the name of his wife's father, Mr. Gray, were transferred to him, he would object to the Bill going through.

50. *Mr. Walker.*] Do you know whether he has been summoned to attend the Committee to-day? I do not know.

51. Are you aware whether he was summoned at all? Yes; he was summoned for the last meeting.

52. Are you cognisant of any change in his relationship to the Company since the last meeting, whether he has been met in any way? We have done nothing, except that we have told him what we have always told him, namely, that we were at all times ready and willing to register the transfer of certain shares from Mr. Gray to his wife.

53. Or to any trustee for his wife? Yes. In fact we emphasised the "trustee for his wife," because banks and other institutions will not register shares in the name of married women; but we said that we would not register him.

54. Are you aware whether any trustee has been appointed? No; he has not appointed a trustee; he has never suggested one.

55. *Chairman.*] I suppose the object is to secure those shares to the wife for her own benefit, without any interference from her husband? Yes; that is so. They were a gift from Mr. Gray to his daughter before she married Doyle, and Mr. Gray does not wish his daughter to transfer the shares to her husband.

56. So far as you are concerned there will be no attempt on the part of the father to interfere with the shares promised to the daughter previous to her marriage? No.

William Gray, Esq., called in, sworn, and examined:—

57. *Mr. Sullivan.*] You are a large shareholder in the Oakey Park Coal-mining Company? Yes.

58. You know Mr. Doyle? Yes.

59. His wife is your daughter? Yes.

60. Will you kindly explain to the Committee what has been done with reference to those shares? I have signed the shares over to her, but they are not registered.

61. Have you handed her the scrip? Yes.

62. When you bought this land, before forming it into a Company, you made a promise to your daughter? Yes, I made a promise to my daughter to hold this particular number of shares, 3,000, for her use.

63. In accordance with that did you transfer any? I transferred the 3,000 to her.

64. How did you do that? I merely signed them to her—signed a transfer on the back of the scrip.

65. And to whom did you hand them over? They were both there Mr. Doyle and his wife.

66. And you gave them over to her? Yes.

67. You as a director of the Oakey Park Coal-mining Company, speaking for yourself and your co-directors, are prepared to register Mrs. Doyle as a shareholder at any time she may wish? Yes.

68. And you decline to register Mr. Doyle? I decline to register them to him.

69. For private reasons? Yes.

70. *Mr. Stevenson.*] When you gave these shares to your daughter you handed them over to her absolutely, to be altogether beyond the control of her husband? Yes.

71. *Mr. Sullivan.*] And you know as a matter of fact that she absolutely transferred them to her husband, and that the Company refused to register them in his name? She would transfer them to him.

72. *Mr. Walker.*] Had she not done so? Yes; she transferred them, but we would not acknowledge him as a shareholder.

73. *Mr. Sullivan.*] She had actually parted with them to him? Yes.

74. And in this you believe consists his objection to the Bill? Yes; he told me so. He told me that if I would register the shares as transferred to him, he would have no objection to the Bill. I told him I would not do this, for certain reasons.

W. Gray, Esq.
27 Mar., 1888.

W. Gray, Esq. 75. *Mr. Stevenson.*] In handing over the shares to your daughter in his presence did you tell him that they were absolutely for your daughter, and that he was in no way to interfere with them. Did you convey that impression, or did you merely hand them over? I handed them over to him, and signed to her and not to him.

27 Mar., 1888.

76. *Mr. Sullivan.*] You made a declaration of trust that you held these shares for your daughter's benefit? Yes.

77. *Mr. Walker.*] Was your daughter married at the time you made the shares over to her? Yes.

78. *Mr. Sullivan.*] And when you made a certain declaration of trust, undertaking to hand them over, she was single? Yes.

79. *Mr. Walker.*] She was single when you promised these shares to her? Yes.

80. *Chairman.*] Did any portion of the land belong to Mrs. Doyle previous to her marriage? No; the land all belonged to me.

81. You say that you handed the shares over to your daughter after her marriage? Yes; sometime afterwards.

82. Were they understood as a marriage dowery? I signed them over to her and not to him.

83. Were they a marriage dowry or a gift previous to marriage? They were a gift previous to her marriage.

84. *Mr. Walker.*] Are you aware whether since the last meeting of this Committee Mr. Doyle has had any communications with any Member of Parliament, asking him to become trustee for his wife? No; I do not know anything about that.

85. *Chairman.*] Were the shares transferred to your daughter in the name of Mrs. Doyle, or in her maiden name? In the name of Mrs. Doyle.

86. But the promise to hand them over was made previous to her marriage? Yes.

87. And there was no condition in reference to her marriage with Doyle that they should be transferred? They had nothing at all to do with the marriage. I was not asked or spoken to, nor was it said that they were going to get married at the time.

88. Have you any objection to transfer these shares for the benefit of Mrs. Doyle to any trustee who may be appointed? I would not transfer them to Doyle to be a trustee.

89. Have you any objection to your promise being carried out that these shares should be secured to Mrs. Doyle for her benefit individually? No. I would transfer them for her good.

90. For her sole future benefit, and to any trustees approved of, excepting her husband? Yes.

91. *Mr. Walker.*] At the time you promised these shares was your daughter engaged to Mr. Doyle? Not that I am aware of.

92. Had you known that she was engaged to Mr. Doyle would you at that time have made the stipulation that the shares should not be transferred to him? I should never have agreed to transfer them to him, because I was against the marriage all through.

93. *Chairman.*] Referring to Mr. Doyle's letter to the Committee, read at a previous meeting, have you any objection to the registration of these shares in Mrs. Doyle's name, provided an acceptable trustee or trustees are appointed? I have no objection to register them to a proper trustee.

94. And will? And will at any time I am called on.

95. Do you know of anything in the construction of this proposed railway from Oakey Park to the Western Line which will interfere with the rights of other people? No; the construction of the line will injure no one. There is a little bit of land we have to get through, and since we took up this mine and started work they have marked out some small allotments right at the bottom of the Zigzag, which can never form a township. The construction of the line will not interfere with the interests of others, except in the case of a small piece of ground, and this is provided for in the Bill.

96. *Mr. Sullivan.*] You have seen a notice published in the local papers at Lithgow, and in the Sydney papers, of the intention of the Company to apply for this Bill—such notice setting forth that the proposed railway is to go through these people's land? Yes.

97. And you have heard of no objection? No; I have not heard of any objection; I often speak to Mr. Turnbull, and I never hear him offer any objection.

98. Mr. Turnbull is the manager for the owners of this property? Yes.

99. *Chairman.*] And it is the intention of your Company to prosecute vigorously the development of this mine? Yes.

100. And to work the railway in connection with the pit? Yes.

101. And with the exception of the opposition offered to the Bill by your son-in-law you know of no other objection? No; I know of none; and I do not think my son-in-law is opposed to it now. The last time he spoke to me he said he was not going to do anything in the matter.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SECOND REPORT FROM THE SELECT COMMITTEE

ON THE

Oakey Park Coal-Mining Company's Railway Bill,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

MINUTES OF EVIDENCE

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 June, 1888.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 97. THURSDAY, 1 JUNE, 1888, A.M.

17. OAKEY PARK COAL-MINING COMPANY'S RAILWAY BILL:—The Order of the Day having been read,—Mr. Hurley moved, "That" this Bill be now read a second time.
- Mr. Frank Farnell moved, That the Question be amended, by the omission of all the words after the first word "That," with a view to the insertion in their place of the words, "the Bill be referred back to the Select Committee appointed on the Bill for further consideration and report; that the "Petition of Brisbane Doyle, of Penrith, presented by Mr. Hurley on the 18th April last be "referred to such Committee; and that leave be granted to the Petitioner to be heard in person, or "by counsel, before the Committee."
- Question,—That the words proposed to be omitted stand part of the Question,—put and negatived.
- Question,—That the words proposed to be inserted in place of the words omitted be there inserted,—put and passed.
- Question then,—That the Bill be referred back to the Select Committee appointed on the Bill for further consideration and report; that the Petition of Brisbane Doyle, of Penrith, presented by Mr. Hurley on the 18th April last, be referred to such Committee; and that leave be granted to the Petitioner to be heard in person, or by counsel, before the Committee,—put and passed.
-

VOTES No. 103. THURSDAY, 14 JUNE, 1888.

5. OAKEY PARK COAL-MINING COMPANY'S RAILWAY BILL:—Mr. Hurley, as Chairman, brought up the Second Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred a second time on 1st June, 1888, a.m., together with Appendix and a copy of the Bill as further amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

OAKEY PARK COAL-MINING COMPANY'S RAILWAY BILL.

SECOND REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom, on the 1st June, 1888, a.m., was referred back, for further consideration and report, the "*Oakey Park Coal-mining Company's Railway Bill*," and to whom was also referred "*the Petition of Brisbane Doyle*,"—beg to report to your Honorable House,—

That they, having examined the witness named in the margin* (whose evidence will be found appended hereto), and heard the Petitioner in opposition to the Bill, still consider the Preamble (as now verbally amended) satisfactorily proved.

Your Committee, on reconsidering the Bill, deemed it necessary to make further amendments therein, and now beg to lay before your Honorable House the Bill as further amended by them, with an amended Preamble.

No. 3 Committee Room,
Sydney, 7th June, 1888.

JOHN HURLEY,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 5 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Hurley, | Mr. Stevenson.

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

THURSDAY, 7 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Hurley in the Chair.

Mr. Henson, | Mr. Colls,
Mr. Stevenson, | Mr. Lyne.

Entry from the Votes and Proceedings referring the Bill back to the Committee, and referring the Petition of Brisbane Doyle, read by the Clerk.

Printed copies of Petition referred before the Committee.

Present:—P. H. Sullivan, Esq. (*Solicitor for the Bill*), Brisbane Doyle, Esq. (*in opposition to the Bill*).

Brisbane Doyle, Esq., sworn and examined.

Cross-examined by Mr. Sullivan.

Mr. Sullivan handed in declaration of trust by W. Gray. [*See Appendix.*]

P. H. Sullivan, Esq., sworn and examined.

Room cleared.

Preamble considered and amended.*

Question:—"That this Preamble as amended stand part of the Bill"—put and passed.

Clauses 1 to 31 read and agreed to.

Schedule read, amended, and agreed to.

Title read and agreed to.

Chairman to report the Bill, with further amendments and an amended Preamble, to the House.

SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line	5.	Omit "Lett" insert "Marrangaroo"
„ 9, Schedule, line	4.	Omit "Lett" insert "Marrangaroo"
„ 9, „ „	5.	Omit "Lett" insert "Marrangaroo"
„ 9, „ „	8.	Omit "Lett" insert "Marrangaroo"
„ 9, „ „	14.	Omit "Lett" insert "Marrangaroo"

*See Schedule of Amendments

1887-S.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

Oakey Park Coal-Mining Company's
RAILWAY BILL.

THURSDAY, 7 JUNE, 1888.

Present:--

Mr. HURLEY,		Mr. HENSON,
Mr. COLLS,	|	Mr. LYNE,
Mr. STEVENSON.		

J. HURLEY, Esq., IN THE CHAIR.

P. H. Sullivan, Esq., solicitor, appeared on behalf of the promoters of the Bill; Brisbane Doyle, Esq., appeared in opposition to the Bill.

Brisbane Doyle, Esq., sworn and examined:—

1. *Chairman.*] This is a Committee that has been referred back from Parliament upon a Bill for the construction of a railway to Oakey Park colliery. A petition has been presented to Parliament asking that the Bill might be referred back in order that you might give certain evidence concerning the interests belonging either to yourself or your wife upon which you desired to be heard. You are the Petitioner referred to in the preamble that has been read? Yes. B. Doyle, Esq.
7 June, 1888.
2. You are aware that this Bill has been introduced and witnesses have been examined before the Committee upon other previous occasions? Yes.
3. You were summoned to attend several Committees, were you not? I was summoned to attend one Committee, at which there was no quorum; I was present.
4. That is the only summons you received? With the exception of the summons I have received to attend this one.
5. Your petition sets forth that if the Bill is passed it will seriously affect your rights and privileges; will you briefly state to the Committee what you intend to convey by "affect your rights"? I am interested in the passing of this Bill, through my wife, who is half owner of the land on which the Company are working. She acquired her interest in the land under a declaration from Mr. Gray.
6. A declaration of trust? Yes.
7. Mr. Gray is her father? Yes. She has done nothing at all to part with her interest. Certain shares in the Company have been given to her; I take it as equivalent to her interest, as some compensation for her interest. The Company has refused to register those shares, and Mrs. Doyle has not been allowed to have any voice or vote in the formation of the Company or in its directorate, and in all probability, unless some kind of satisfactory arrangement is made with Mrs. Doyle, this matter will engage the attention of the Equity Court. Mrs. Doyle begs, through me, that she may be protected by the House and by this Committee. If the permission of the House was given for the construction of this railway it would seriously affect any action that Mrs. Doyle chose to bring. Mrs. Doyle does not wish to interrupt the proceedings of the Company in any way; but will either buy Mr. Judd or Mr. Gray, who are the largest shareholders, out, or will sell to them at a price they will agree to sell at.

- B. Doyle, Esq.** 8. What position did your wife stand in in securing her rights to the land? In answer to that question it might be well if I was allowed to recite the whole of the proceedings and transactions that have taken place with respect to this land, from the time it left Macarthur's hands, who received it from the Crown. Macarthur agreed to sell the land to me for a sum of £1,500.
- 7 June, 1888. 9. *Mr. Henson.*] Was this before you were married? Before I was married. I looked on that as a very valuable agreement; in fact I was offered £2,000 for half the land.
10. *Chairman.*] Shortly after? Yes; I agreed to sell half the land to Mr. Gray, being unable to complete the purchase myself, and I allowed the deeds to stand in the name of Mr. Gray, provided he made a declaration of trust to the effect that half the land belonged to his daughter, whom I was to marry. According to the evidence that has been given here, one would think that Mr. Gray had given his daughter these shares as a marriage dowry, and that I became acquainted with the fact that she was the owner of these shares, and married her. I think that on the production of the whole of the papers in connection with the matter it will transpire that instead of receiving any benefit from Mr. Gray he has received a direct benefit from me. While these shares that were given to Mrs. Doyle have been in her possession, she has endeavoured to sell them, but the members of the Company have blocked any sale that Mrs. Doyle might have made, but at the same time they make offers to buy her out at a lower rate than she can really sell for.
11. *Mr. Colls.*] Do I understand you to say that there is a deed in existence from Mr. Gray to you previous to your marriage? There is a declaration of trust, which Mr. Sullivan has. [*Declaration read by the Chairman.*]
12. *Chairman.*] I hold in my hand, Mr. Doyle, a declaration of trust, of date the 14th March, 1887, signed by W. Gray, witnessed by Henry Lumsden, J.P., to the effect that Mr. Gray holds himself ten-fortieth shares in certain land, John Judd holds ten-fortieth shares, and Sarah Gray holds ten-fortieth shares. Is the person referred to here as Sarah Gray your wife? Yes.
13. Has she done anything to your knowledge to convey this land back to her father or to any other person? Nothing that I know of.
14. You have stated that certain overtures have been made to your wife to induce her to sell her shares at a price below what she could have parted with them to other persons? Yes.
15. And she refused to part with or sell any portion of them? She refuses to sell unless she can sell at a price she could buy at. She will do either one thing or the other—sell or buy.
16. You were the first applicant for the land? Yes; I had an agreement with Macarthur for the purchase.
17. And owing to embarrassment you were unable to carry out the agreement you had first entered into? Yes.
18. You then consulted with Mr. Gray, and negotiations were entered into and carried out? Yes. I went to Mr. Gray in the first instance, and asked him to lend me £1,500 to buy, and after looking into the matter Mr. Gray thought so favourably of it that he bought one half for £1,500.
19. You stated that they formed themselves into a Company and refused to allow your wife to have any voice in anything in connection with the formation of the Company or the directorate? Just so.
20. Had she at any time, through yourself, any desire to be represented at that Board at any of their meetings? Yes, I went to the first general meeting of the Company.
21. As her representative? As her representative, with a proxy from her, and was ordered out of the room. I refused to go out unless I was put out, and instead of putting me out the meeting adjourned. They would not carry on the business of the Company while I was present.
22. Are you aware that your wife's name stands in the register as representing the interest she is supposed to hold? I believe it does not.
23. Have shares or portions of her interest been sold? No portion of her interest has been sold, but before arranging this sale with Mr. Gray I had sold certain portions of my interest, about seven-fortieths. And apart from the declaration of trust, even if Mrs. Doyle recognized the seven-fortieths I had sold, that would leave her the owner of thirteen-fortieths, the largest shareholder in the mine.
24. Is Mrs. Doyle's position the same in respect to the number of shares she holds as you yourself would have held had you continued in with Gray? Exactly.
25. You say you are prepared to either buy or sell at a price to be agreed upon? Yes.
26. What do you seek to be protected from in desiring to be heard here to-day? Mrs. Doyle's position is simply this: She, under the declaration of trust, is a half owner of the land; she has received no valuable consideration, and is not recognised as a shareholder, and if any benefit was to accrue from the construction of this line as her position is at the present time she would not participate in that benefit.
27. *Mr. Stevenson.*] You asked your wife to transfer the shares to you? No, as a matter of fact I have not asked her. As a matter of fact Mrs. Doyle was desirous that the shares should be transferred to me in order that I could protect her interest in the Company. It was done at her own request.
28. *Mr. Colls.*] Were they transferred to you when you made the sale? No, they were not transferred.
29. Had you her permission? I held an agreement with Macarthur, and I sold at different occasions a one-fortieth interest.
30. *Mr. Stevenson.*] I would like to know did she actually sign a transfer on a piece of paper in your handwriting to you? Yes, the reason that these shares were transferred to me was this: When the general meeting was held Mrs. Doyle received no notice of it. It is necessary, under the articles of association, for a person holding a proxy to be the owner of 100 shares. Mrs. Doyle transferred 100 shares to me. The transfer was left at the registered office, which is necessary to be done under the articles of association, and when I attended that meeting as the holder of 100 shares Mr. Gray told me that I was the real owner of the shares, and that I was afraid to let them stand in my name. On going back home and telling my wife she transferred the whole of them to me.
31. Were they registered? No; they have not been registered.
32. *Mr. Sullivan.*] Will the Company be benefited, no matter who is the owner, by your preventing us from getting the railway? It will not be beneficial to the Company.
33. Will it be beneficial to the public generally? I do not believe it will be beneficial to the general public.
34. You have told us that some proceedings are to be taken in Equity? Probably.
35. Is not that the proper place to settle a dispute, when it arises, about shares or anything similar, without stopping the Bill from going through the House? I said that the proceedings of this Committee and the

the proceedings of this House would place me in a very awkward position. If the House grants permission I do not know what position we will stand in in asking the Supreme Court not to allow the railway to be constructed.

R. Doyle, Esq.
7 June, 1888.

36. Supposing this Bill is passed, will the shareholders, or persons who claim to be shareholders or claim any benefit from the Company, be in a worse position by the Bill going through than if it did not; will they be prevented from going to the Court of Equity? Going to the Court of Equity would cost me a great deal of money, and I am a poor man. By coming here it costs me comparatively nothing.

37. *Chairman.*] Will Mrs. Doyle's or your interest be jeopardised? I believe it will be very seriously jeopardised.

38. Will you explain that? If this Bill is passed by the House, which I look on as the highest authority in the land, we cannot get the Supreme Court to deal with us.

39. Will the interest of shareholders in the Company be jeopardised in any way by the passage of this Bill? I imagine so.

40. *Mr. Stevenson.*] Your wife is a registered shareholder? I believe not. She has never received any communication whatever from the Company.

41. *Chairman.*] To your own knowledge will not this Company be benefited materially by the construction of this railway? The Company will.

42. Would not the public be? I do not know that any great benefit would accrue to the public.

43. Is it not a fact that the construction of that railway would cause many men to be employed in that colliery? It would be the means of taking them out of others.

44. Will it not tend to develop trade, and bring a great many men to work in that property who are not there now? Yes.

45. Would they not be benefited by the construction of that railway? Yes.

46. And are not the shareholders benefited in the construction? But Mrs. Doyle being the owner and not a shareholder would not receive any benefit.

47. *Mr. Stevenson.*] Are you aware that Mrs. Doyle has received any communication whatever from the Board that they will register her name with anyone as trustee but yourself? No communication of that kind has ever been received by Mrs. Doyle.

48. *Chairman.*] Suppose Mrs. Doyle's shares are registered in the books of the Company and she is recognised as a shareholder, will you obtain all that you desire? If she is registered as a shareholder, and is allowed to have a voice and vote in the proceedings of the Company, I obtain all I seek.

49. If you have the assurance of the solicitor for the Company that such concession will be granted to her will you remain satisfied? I have already had that assurance. Mrs. Doyle sent up 500 shares last week to be registered in her own name, and those shares were returned, with the request that she should nominate her father as a trustee, not that anyone else would be acceptable.

50. *Mr. Sullivan.*] Did you not say in King-street after the last meeting you attended here, to Mr. Gray, Mr. Fryer, and myself, that you were perfectly satisfied as long as things remained as they were then, namely, a verbal acceptance to transfer the shares to a trustee for his wife? Yes, I did say that. And furthermore, I may state that I was quite willing to abide by anything that was done, until I saw this report, in which they endeavoured to make out that I was getting these shares as a marriage dowry, or in an irregular way.

51. *Mr. Stevenson.*] You have no desire to be a member of the Company yourself? As long as these shares are registered to Mrs. Doyle I am contented to withdraw any opposition.

52. *Mr. Sullivan.*] Will you consent to either her father, who transferred these shares to her, or her brother-in-law, being a trustee for her? Decidedly not.

53. Whom would you name as a trustee? I do not know that the Company would have any right to ask for a trustee. I want it to stand in her own name.

54. *Mr. Collis.*] Are you aware whether your wife nominated her father as trustee? She did not, and objected to Mr. Judd.

55. *Chairman.*] Could you not, having your wife's consent to act in that way, nominate some person to act as a trustee? I would be quite willing if I saw some probability of an agreement hereafter.

56. But if these shares stand in the books of the Company in her name will this not be a sufficient protection for her? If they stand in her name, and she is allowed to exercise all the rights and privileges of membership, I am content. I am not altogether opposing the nomination of the trustees, but I think there is a probability of disagreement hereafter, and I had much rather, and so had Mrs. Doyle, that she went out. She would either buy or sell to them.

57. Did you pay any money out of your own pocket for this land in the first place? No, I did not.

58. Is it not a fact that Mr. Gray paid all the demands? He paid £750.

59. After your marriage your father-in-law promised his daughter a certain number of shares in this Company? No.

60. Previous to the marriage? Previous to the marriage he made a declaration of trust that he held half the land for her.

61. He was careful to hand over her interest conditionally? There was no condition whatever that I know of. No condition was contained in the declaration of trust.

62. You have seen Mr. Gray's evidence, have you not? Yes.

63. Reading the fifty-fifth question, "I suppose the object is to secure those shares to the wife for her own benefit without any interference from her husband." Were those shares at the time not promised to your wife for her sole and individual benefit? No, they were not.

64. Were they for your joint benefit? Gray got his interest in the land £500 cheaper than I could have sold it elsewhere. As a matter of fact I was in difficulties at the time. Mrs. Doyle was put forward as the owner of half the land; Miss Gray she was then. I was to transfer to her the agreement with Macarthur.

65. *Mr. Sullivan.*] Will you swear that Mr. Gray did not know you were going to marry his daughter at the time? I swear that Mr. Gray knew I was going to be married, and he knew my position. In his evidence he says that he was not aware at that time that the marriage was going to take place; but the marriage was celebrated in his house, and I am almost sure that Mr. Gray's signature was attached to the marriage deed.

66. Did you not make the admission to me in Mr. Lee's office in Lithgow that Mr. Gray did not know that you were engaged to his daughter? Mr. Gray did know, and it was generally known.

- R. Doyle, Esq. 67. Do you know that Mr. Gray has sworn, and will come to-day and swear that he did not at the time he bought the land from Macarthur know that you were going to marry his daughter? I do not know what Mr. Gray is prepared to swear.
- 7 June, 1888. 68. *Mr. Stevenson.*] Did you not state just now, in answer to a question from me, that you would object to a trust on behalf of Mrs. Doyle—that you wanted the trust in her own name? Yes.
69. *Chairman.*] Will you name a trustee? I will name two trustees, Mr. Melville and Mr. John Turnbull, of Lithgow.
70. *Mr. Stevenson.*] Can you not name some one else in the place of Mr. Turnbull to act in conjunction with Mr. Melville? Mr. Turnbull's father, the Manager of the A.A. Company at Newcastle.
71. *Mr. Colls.*] And you think he would act? If he will not we will nominate Mr. Simon, Superintendent of the City Mutual Life Association.
72. *Chairman.*] It resolves itself into this: That you are quite willing to give up any opposition to the passing of this Bill conditionally upon trustees being appointed to act for your wife? Yes; I might also remind you that this has been gone into before. When I was not here arrangements were made for these shares to be transferred; but on Mrs. Doyle sending the shares they refused to transfer them, with a request that her father should be nominated as a trustee.
73. Are there any other witnesses you would like to have examined, or would you like to say anything in addition to what you have said, as it is our intention to introduce the Bill at once, in order to have it passed for the benefit of this Company? I quite consent to what has been done, and if they had agreed to do that earlier there would not have been any opposition.

Phillip Hurley Sullivan, Esq., sworn and examined:—

- P. H. Sullivan, Esq. 74. *Chairman.*] Having heard the evidence of Mr. Doyle, can you be answerable that the rights and privileges affecting the shares held by Mrs. Doyle will not be interfered with, or refused to be dealt with, providing they are under the care of trustees? Yes; I may be permitted to add that at several Board meetings it has been decided over and over again that the shares will be registered to Mrs. Doyle on the appointment of a trustee. Her father wished himself or his son-in-law; but if they do not consent to these, we will accept any decent person.
- 7 June, 1888. 75. Will you accept any of the persons whose names have been submitted? I have no objection personally to Mr. Turnbull, senior; and Mr. Gray and Mr. Judd consent to Mr. Turnbull and Mr. Melville. They do not know anything about Mr. Simon. We would accept Mr. Lees if either of the former gentlemen declined to act.
76. At all events, you will be answerable that the rights and privileges of Mrs. Doyle as a shareholder in the Company will not be interfered with if her shares stand in the name of these trustees? Yes; we accept those trustees. There are three of us here, and we constitute a majority.

APPENDIX.

[*Handed in by Mr. Sullivan.*]

I, WILLIAM GRAY, of Oakey Park, near Lithgow, in the Colony of New South Wales, farmer, do hereby solemnly and sincerely declare as follows: That I am seized of the land contained in Crown grants vol. 359, folio 105, and vol. 362, folio 15, in trust, as follows, namely, as to ten-fortieth shares unto and to the use of John Judd and his heirs, as to another ten-fortieth shares to the use of myself and my heirs, and as to the remaining twenty-fortieths to the use of my daughter, Sarah Gray, her heirs and assigns: And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits."

Subscribed and declared at Lithgow, this 14th)
day of March, 1887, before me,—)
HENRY LUMSDAINE, J.P.

W. GRAY,

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

OAKEY PARK COAL-MINING COMPANY'S
RAILWAY BILL.

(PETITION AGAINST—BRISBANE DOYLE, PENRITH.)

Received by the Legislative Assembly, 18 April, 1888.

To the Honorable the Speaker and Honorable Members of the Legislative Assembly of New South Wales.

The prayer of your Petitioner, Brisbane Doyle, gentleman, of Penrith,—

HUMBLY SHOWETH:—

That the passing of the Oakey Park Coal Company's Railway Bill, now being considered by your Honorable House, will seriously affect the rights and privileges of your Petitioner.

I was summoned to give evidence before the Select Committee of your Honorable House, who were then considering the provisions of the said Bill.

There being no quorum present my evidence was not taken, and as I received no notice of the future meeting my evidence has not yet been taken.

Therefore I pray your Honorable House may, in its wisdom, refer the report of the said Committee back to the Members thereof for further consideration and report. And I also pray I may be cited to attend in person or by counsel in order to give evidence, and also to oppose the said Bill. And, as in duty bound, your humble Petitioner will ever pray.

Dated at Penrith, this 17th day of April, 1888.

BRISBANE DOYLE.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

Oakey Park Coal-Mining Company's Railway Bill.

(PETITION FROM SARAH DOYLE, OF PENRITH, IN OPPOSITION TO.)

Received by the Legislative Assembly, 17 July, 1888.

To the Honorable the Speaker and the Honorable the Members of the Legislative Assembly.

The humble Petition of Sarah Doyle, of Penrith,—

HUMBLY SHOWETH:—

A Bill styled "The Oakey Park Company's Railway Bill" has been introduced into your Honorable House, to enable the Oakey Park Coal-mining Company to construct a line of railway.

By a certain indenture, which has been produced before your Select Committee, it is proven that one-half the lands being used by the said Company, and required by their railway, are my property.

I have not executed any transfer or conveyance of my interest in the lands, nor have I ever done any act to cause me to part with the property.

I have perused the reports of your Select Committee, and though certain reference has been made to my claim, and efforts made by your Select Committee to afford me protection, I still feel that my true position with respect to the land has not yet been fully explained to the honourable members of your Select Committee.

Therefore I pray, in order that I may afford such explanation, that the Report of your Select Committee may again be referred back to the Members thereof for further consideration and report, and that I may be cited to attend in person, or by counsel, and that my counsel may also be permitted before your Select Committee in opposition to the said Bill.

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

Signed at Penrith this 16th day of July, 1888.

SARAH DOYLE.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PARRAMATTA CHURCH-STREET AMENDED
ALIGNMENT BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *March*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8

EXTRACTS FROM THE MINUTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 61. THURSDAY, 1 MARCH, 1888.

10. PARRAMATTA CHURCH-STREET AMENDED ALIGNMENT BILL (*Formal Motion*):—Mr. Hugh Taylor moved, pursuant to Notice,—
- (1.) That the Parramatta Church-street Amended Alignment Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Day, Mr. Melville, Mr. Teece, Mr. Frank Farnell, Mr. Cameron, Mr. Colls, and the Mover.
- Question put and passed.
-

VOTES NO. 70. THURSDAY, 22 MARCH, 1888.

5. PARRAMATTA CHURCH-STREET AMENDED ALIGNMENT BILL:—Mr. Hugh Taylor, 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 consideration and report this Bill was referred on 1st March, 1888, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
- * * * * *
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1887-8.

PARRAMATTA CHURCH-STREET AMENDED ALIGNMENT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 1st March, 1888, the "*Parramatta Church-street Amended Alignment Bill*,"—beg to report to your Honorable House:—

That they have examined the witness named in the margin* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

HUGH TAYLOR,
Chairman.

*No. 2 Committee Room,
Sydney, 21 March, 1888.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 13 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Hugh Taylor, | Mr. Colls.

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

WEDNESDAY, 21 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Hugh Taylor, | Mr. Colls,
Mr. Frank Farnell, | Mr. Teece.

Mr. Hugh Taylor called to the Chair.

Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.

Printed copies of the Bill *referred*, together with the original Petition to introduce the same before the Committee.

Present:—J. E. Bowden, Esq. (*Solicitor for the Bill*).

Charles Joseph Byrnes, Esq., (*Mayor of Parramatta*), called in, sworn, and examined.

Witness *produced* Plan showing proposed alignment of Church-street, Parramatta.

Room cleared.

Question—"That this Preamble stand part of the Bill,"—put and passed.

Solicitor called in and informed.

Bill read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

THE PARRAMATTA CHURCH-STREET AMENDED
ALIGNMENT BILL.

WEDNESDAY, 21 MARCH, 1888.

Present:—

MR. COLLS,	|	MR. TAYLOR,
MR. TEECE,	|	MR. FRANK FARNELL
H. TAYLOR, ESQ., IN THE CHAIR.		

Mr. Bowden appeared as Solicitor for the Bill.

Charles Joseph Byrnes, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are Mayor of the Borough of Parramatta? Yes.
2. *Mr. Bowden.*] You produce a tracing of the plan which is referred to in the first clause of the Bill, showing the amended alignment of Church-street, Macquarie-street, and Harold-street? Yes.
3. You also produce a plan showing in some respects the present alignment? Yes.
4. With regard to the alignment, it will very much widen the street? The alignment of Church-street and Macquarie-street is very similar to the alignment of Church-street and Albert-street. It is a very sharp turn. It is proposed to widen the street. There will be a great advantage in altering the alignment. There is a property in Macquarie-street which has only a frontage to Macquarie-street. It is of very little value at present. But the proposed alteration will give a Church-street frontage to this property, and will give us four or five valuable shops from which we shall derive rent. Independently of contributing to the beauty of the approach, it will give us this money. That is one of the objects in making the alteration.
5. The owner of this property is Mr. C. W. Miles? Yes.
6. He has proposed to give the Council 25 feet of his ground with a view to the alteration being made? He has written to the Council to that effect.
7. He has also undertaken that only such buildings shall be erected as shall be approved of by the Council? He has submitted plans, which have been approved of by the Council.
8. One result will probably be that the Council will derive considerable revenue from this land, which is now waste land? Yes.
9. *Chairman.*] The Council does not propose to purchase any land? None whatever.
10. A portion of the land which is shown on this plan belongs to the borough? Yes; the alteration will add to the value and beauty of the place.
11. *Mr. Bowden.*] The piece of land which blocks the frontage was granted for the purpose of a fountain and other municipal purposes? Yes; it is marked on the tracing blue. It is proposed to put the fountain in another position when the alignment is made. I might state that at the last election this alteration was made somewhat a test question. I was a retiring alderman for the ward which had had a great deal to do with the matter. My opponent found himself beaten by three votes to one. Taking that contest as an indication of the public feeling, they are evidently desirous that the alteration shall be made.
12. St. John's Park is on the opposite side of Church-street? Yes.

C. J. Byrnes,
Esq.
21 Mar., 1888.

- C. J. Byrnes, Esq.
21 Mar., 1888.
13. It has lately been enclosed by the Park trustees? Yes.
 14. By an iron palisading, making it a permanent structure? Yes.
 15. It has made a very great improvement to that portion of the town? Yes.
 16. In doing that have they not widened the street—departed from the alignment, as proclaimed, and thrown some of their land into the street? Yes, as far as I am led to believe.
 17. The Bill, besides rectifying the alignment on the eastern side, will rectify the alignment in connection with St. John's Park? Yes.
 18. It will be an advantage to the borough also? Yes.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

PARRAMATTA MUNICIPAL QUARRIES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *March*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 61. THURSDAY, 1 MARCH, 1888.

9. PARRAMATTA MUNICIPAL QUARRIES BILL (*Formal Motion*) :—Mr. Hugh Taylor moved, pursuant to Notice,—
- (1.) That the Parramatta Municipal Quarries Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Day, Mr. Melville, Mr. Teece, Mr. Frank Farnell, Mr. Cameron, Mr. Colls, and the Mover.
- Question put and passed.
-

VOTES No. 70. THURSDAY, 22 MARCH, 1888.

4. PARRAMATTA MUNICIPAL QUARRIES BILL :—Mr. Hugh Taylor, 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 consideration and report this Bill was referred on 1st March, 1888, together with a copy of the Bill, as amended and agreed to by the Committee.
- Ordered to be printed.
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1887-8.

PARRAMATTA MUNICIPAL QUARRIES BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 1st March, 1888,—the “*Parramatta Municipal Quarries Bill*,” beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose * See list, p. 4. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses of the Bill, in which it was deemed necessary to make an amendment.

Your Committee beg to lay before your Honorable House the Bill as amended by them.

HUGH TAYLOR,
Chairman.

No. 2 Committee Room,
Sydney, 21st March, 1888.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 13 MARCH, 1888.

MEMBERS PRESENT :—

Mr. Hugh Taylor, | Mr. Colls.

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

WEDNESDAY, 21 MARCH, 1888.

MEMBERS PRESENT :—

Mr. Hugh Taylor, | Mr. Colls,
Mr. Frank Farnell.

Mr. Hugh Taylor called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Present :—J. E. Bowden, Esq. (*Solicitor for the Bill*).

Charles Joseph Byrnes, Esq., Mayor of Parramatta, called in, sworn, and examined.

Witness *produced* plan of the land referred to in the Bill.

Witness withdrew.

Mr. Edward James Love called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clause 1 read, amended,* and agreed to.

Clauses 2, 3, and 4 read and agreed to.

Title read and agreed to.

Chairman to report the Bill, with an amendment, to the House.

SCHEDULE OF AMENDMENT.

Page 2, clause 1, line 4, *after* “borough,” *insert* “but not exceeding three miles from the boundary of the same.”

LIST OF WITNESSES.

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* See Schedule of Amendment.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

THE PARRAMATTA MUNICIPAL QUARRIES BILL.

WEDNESDAY, 21 MARCH, 1888.

Present:—

MR. COLLS, | MR. FRANK FARNELL,
MR. TAYLOR.

H. TAYLOR, ESQ., IN THE CHAIR.

Mr. Bowden appeared as solicitor for the Bill.

Charles James Byrnes, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are Mayor of the Borough of Parramatta? Yes.
2. Mr. Bowden is solicitor for the Bill before the Committee? Yes.
3. *Mr. Bowden.*] It will be to the advantage of the town of Parramatta to have the power of purchasing land for quarries? Decidedly. We have valuable stone within the borough and closely adjoining it, which we cannot deal with unless we have the power of purchasing the land.
4. At present the Council are working some public quarries in Parramatta north? Some quarries which the Government have allowed us to work.
5. It has saved a very large amount of money to the borough? Yes.
6. These particular quarries are situated within the borough? Yes, on the north side of the town.
7. There are some houses which pretty nearly adjoin the quarries; in fact the houses are being interfered with by the workings? They will be seriously affected if we do not get power to purchase the land.
8. *Chairman.*] You want power to purchase either this land or other land suitable for quarries? Quite so, provided that it is within a reasonable distance.
9. *Mr. Bowden.*] Your primary object is to purchase this land so as to continue the present workings without interfering with private interests? It would be very much cheaper for us to do so.
10. What has the borough saved by working these quarries? A considerable amount.
11. Would there be any limit to the distance,—would about 3 miles be sufficient? If we extend the distance beyond 3 miles it would be better for us to make contracts.
12. Three miles would be quite sufficient limit to allow? Yes.
13. *Mr. Frank Farnell.*] Would you be prepared to accept this amendment: "But not exceeding 3 miles from the boundary of the borough?" I should accept it. I think the profit would cease to exist if we went any further.
14. *Mr. Bowden.*] The short title contains the figures "1887" because the Bill was prepared last year? Yes.
15. You produce a plan showing the land fronting the eastern side of George-street, in the vicinity of Albert-street? Yes.
16. It would be a public advantage to get the alteration made? Yes.

C. J. Byrnes,
Esq.
21 Mar., 1888.

- C. J. Byrnes, Esq., 17. *Chairman.*] In the event of the Council not getting the power which you ask for under this Bill would not the whole of your stone-workings have to cease owing to the proximity of the quarries to these houses? Yes, in that particular quarry. It would be a very serious loss to the borough.
- 21 Mar., 1888. 18. *Mr. Frank Farnell.*] How do you intend to deal with the people who allege that they are prejudiced by these workings? We have been given to understand that they are prepared to sell.
19. You will be quite willing, if you get the power, to purchase these lands? Yes; that is the object of getting the Bill. We prefer to purchase the lands adjoining the quarry.

Edward James Love, Esq., called in, sworn, and examined:—

- E. J. Love, Esq., 20. *Chairman.*] You are overseer of works for the Borough of Parramatta? Yes.
- 21 Mar., 1888. 21. *Mr. Bowden.*] You are aware that application is being made for power to purchase land for quarries, particularly a portion of land adjoining the quarries which are now being worked by the Council? Yes.
22. Supposing these quarries were stopped, and the Council were obliged to get their stone by tender, what difference do you suppose it would make to them? It would make a difference of from £700 to £1,000 a year to the Council. For the past three years it has run from £700 to £1,000.
23. Is it necessary, having regard to the position of these houses, that the Council should have power to purchase them in order to continue their works? Yes.
24. *Chairman.*] In the event of their not being able to purchase these houses, the Council should have power to purchase land in other places within a certain distance of the borough in order to open quarries? Within a reasonable distance. There are good quarries available within a distance of 2 miles.
25. *Mr. Frank Farnell.*] Are you of opinion that these people will be satisfied to sell their land to the Council? I was given to understand so.
26. *Chairman.*] Have they complained of the danger to their families from the blasting of the rocks? Yes; they say that the shaking of the plaster in their premises is also a source of danger.
27. *Mr. Colls.*] Are they expensive buildings? They are only cottages, worth from £300 to £400 each.
28. *Chairman.*] If these persons will not sell their properties, the Council will have to cease quarrying there, and go elsewhere? Yes; we can only go north; south there is no freestone.
29. *Mr. Bowden.*] With regard to the alteration of the alignment? The purchase of that piece of land is really requisite; it will make a nice entry into the town, and afford a better view of the street. I should certainly recommend the alteration; it will be a kind of lung to the main street of Parramatta.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PHARMACEUTICAL SOCIETY OF NEW SOUTH
WALES INCORPORATION BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
18 *October*, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

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1887.

(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 5. WEDNESDAY, 28 SEPTEMBER, 1887.

5. PHARMACEUTICAL SOCIETY OF NEW SOUTH WALES INCORPORATION BILL (*Formal Motion*):—*Mr. Cameron*, for *Mr. Carruthers*, moved, pursuant to Notice,—
- (1.) That the Pharmaceutical Society of New South Wales Incorporation Bill be referred to a Select Committee for consideration and report, with power to send for persons and papers.
- (2.) That such Committee consist of *Mr. Barbour*, *Mr. Frank Farnell*, *Mr. Wise*, *Mr. Davis*, *Mr. Lees*, *Mr. Hawthorne*, *Dr. Wilkinson*, *Mr. Hassall*, *Mr. Lyne*, and the Mover.
- Question put and passed.
-

VOTES No. 13. TUESDAY, 18 OCTOBER, 1887.

8. PHARMACEUTICAL SOCIETY OF NEW SOUTH WALES INCORPORATION BILL:—*Mr. Carruthers*, 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 consideration and Report this Bill was referred on 28th September, 1887; together with Appendix and a copy of the Bill, as agreed to by the Committee.
- Ordered to be printed.

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1887.

PHARMACEUTICAL SOCIETY OF NEW SOUTH WALES INCORPORATION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 28th September, 1887,—the “*Pharmaceutical Society of New South Wales Incorporation Bill*,”—beg to report to your Honorable House :—

That they have examined the witnesses named in the list* (whose * See page 4 evidence will be found appended hereto) ; and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendments.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

J. H. CARRUTHERS,
Chairman.

No. 3 Committee Room,
Sydney, 13th October, 1887.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 13 OCTOBER, 1887.

MEMBERS PRESENT :—

Mr. Carruthers,		Mr. Davis,
Mr. Hassall,		Mr. Barbour,
	Dr. Wilkinson.	

Mr. Carruthers called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.

Printed copies of the Bill *referred*, together with the original Petition to introduce the same before the Committee.

Present :—Siden Steel, Esq., Russell Jones, Bros. (*Solicitor for the Bill*).

William Townley Pinhey, Esq., called in, sworn, and examined.

Witness *produced* the By-laws of the Society, and *handed in* synopsis of examination of the Pharmacy Board. (*See Appendix.*)

Witness withdrew.

Henry William Sadler, Esq., called in, sworn, and examined.

Witness withdrew.

Edwin Quayle, Esq., F.C.S., called in, sworn, and examined.

Witness withdrew.

Caleb Soul, Esq., called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Bill read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

LIST OF WITNESSES.

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1887.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PHARMACEUTICAL SOCIETY OF NEW SOUTH
WALES INCORPORATION BILL.

THURSDAY, 13 OCTOBER, 1887.

Present:—

MR. CARRUTHERS,
MR. DAVIS,

MR. HASSALL,
DR. WILKINSON.

J. H. CARRUTHERS, Esq., IN THE CHAIR.

Mr. Steel, for Mr. Russell Jones, appeared as Solicitor for the Bill.

William Townley Pinhey, Esq., called in, sworn, and examined:—

1. *Chairman.*] I believe you are here to give evidence in favour of the Bill before the Committee? Yes, I am. I am Secretary of the Pharmaceutical Society and Secretary and Registrar of the Pharmacy Board. The Pharmaceutical Society was established in 1876, and numbers about 300 members—a larger number, over 400 on the books, some being in arrears of subscriptions. All that is sought to do under the Bill is to provide rules and regulations for the better conduct of the society, there being no attempt whatever to control persons outside the society. The Bill relates simply and solely to the members who form themselves into the society. At the present time the society is in an anomalous position, for being legally non-existent it is not in a position to receive gifts, legacies, or to contract in any way. This is felt to be a great hardship, and cripples the usefulness of the society. Every similar society in Europe, in America, and all but the youngest societies in the different colonies—I refer to other colonies as well as the Australasian colonies—are legally incorporated, the Melbourne Society having been incorporated by Act of Parliament as early as 1884. I hand in our last annual report, also the by-laws now in force, such by-laws being practically identical with those regulating the Pharmaceutical Society of Great Britain. (*Handed in.*) The society has from its inception, and almost continuously, been carrying on the education of its students at its own cost, and without any extraneous aid of any kind. During the past two years the society has expended about £300 in one way and another in its educational work, and probably not far short of £1,000 since the society came into existence. The society is now in possession of a library containing some 500 volumes of standard scientific works, has a *materia medica* collection of about 600 specimens, and a laboratory capable of accommodating about twenty students, and fitted with all the requisites for carrying on classes in practical chemistry and pharmacy. The lectures and practical classes have hitherto been held weekly, but it is hoped that in the near future they may be held oftener, and with the beginning of the next term the laboratory will be open two or three days a week, and oftener if necessary. The society's lecturer is Mr. Edwin Quayle, F.C.S., and during the present year Mr. Lispner, F.C.S., has been acting as assistant lecturer, by reason of Mr. Quayle acting as *locum tenens* for Professor Liversidge, at the University. Before young men are admitted as apprentices of the society they are required to pass a preliminary examination in Latin, English, and arithmetic, and before being admitted to membership are required to pass a major examination, held in conjunction with the Board of Pharmacy, in chemistry, pharmacy, *materia medica*, and prescriptions. The examination is written, oral, and practical in each subject, and candidates must obtain not less than 50 per cent. of marks

W. T. Pinhey,
Esq.
13 Oct., 1887.

in

- W. T. Pinhey, Esq.
13 Oct., 1887.
- in each part of the examination. The Board of Examiners, consisting of Messrs. Bozon, Mayne, and Melhuish, are appointed jointly by the Board of Pharmacy and the Council of the Pharmaceutical Society. I produce synopses of the preliminary and major examinations, such synopses having been approved by the Board of Pharmacy; I also produce copies of last examination papers. [*Produced.*] It is intended shortly to apply to the Government for the usual £1 for £1 subsidy, to enable the society to extend its work of usefulness, a former application having met with considerable sympathy from the Minister of Public Instruction. It is proposed by the Bill to provide a fund for the relief of distressed members and associates of the society, and for the support of their widows and orphans.
2. In the last Parliament an application was made to pass this Bill;—was there any opposition to it then? No.
3. Have you given full notice of your intention to apply for the Bill? Yes, through Mr. Russell Jones.
4. Have you had any intimation, by notice or otherwise, of any opposition? No, I have not heard of any.
5. Would it be possible for you to attain the objects of incorporation by registering under the Friendly Societies' Act? Certainly not.
6. Why? I do not know of any precedent. I am open to correction—where a scientific body holding the same views as we do—an educational body in its strictest term, which we claim to be, and are—being registered under that Act. We have never dreamt of such a thing. It would not be in keeping with the objects of the society.
7. *Mr. Hassall.*] Is this Bill different from the last Bill? It is the Bill as it was amended by the Select Committee in the previous Parliament.

Henry William Sadler, Esq., called in, sworn, and examined:—

- H. W. Sadler, Esq.
13 Oct., 1887.
8. *Chairman.*] I believe that you are President of the Pharmaceutical Society? Yes.
9. You are one of the applicants to have this Bill passed? I do not think that my name appears as one of the applicants. I was not on the council of the society at the time the Bill was brought forward.
10. Are the objects of this Bill fully set forth in the preamble? I think so.
11. I suppose you have no other object than to merely regulate the internal working of the society, so far as the Bill is concerned? No.
12. Do you propose to interfere with other persons carrying on any trade by its operation? I do not see in what way we can by the Act of Incorporation.
13. You find it necessary to have a Bill of this description in order to work your society in a proper manner? We do. As we were an educational body we thought it advisable to have an Act of Incorporation to ensure the proper working of the society.
14. You propose to give certain privileges to the members, that is, after examination? Yes.
15. Do you place any undue restrictions on entry to the society which would prevent the general public from reaping the benefits of membership? No; there is nothing to prevent anyone who follows out the section in the Pharmacy Act relating to the sale of poisonous drugs from going up for examination before the Pharmacy Board and obtaining their certificate.
16. The Pharmacy Board you refer to is the Government Board? It is the Board of Pharmacy appointed by the Government under the Pharmacy Act.
17. You do not seek to have any power such as that Board has? No.
18. I suppose in point of fact that the chief object of the society is to impart technical education to the members, and give diplomas showing the degree of efficiency that they have obtained in their studies? Yes.
19. You wish to be incorporated in order to have a legal existence, a legal power to hold land, and a legal membership? Yes. As we are constituted now we have no power to hold land or other property.
20. Has any notice been given to you of any opposition from any section of the trade or the profession? No, I have not heard of any.
21. *Mr. Davis.*] You do not seek to exercise any power over persons outside your society? No.

Edwin Quaille, Esq., called in, sworn, and examined:—

- E. Quaille, Esq.
13 Oct., 1887.
22. *Chairman.*] What position do you occupy in regard to the Pharmaceutical Society? I am lecturer in pharmacy, materia medica, and chemistry.
23. You give a course of lectures to the students? Yes, a periodical course.
24. On what matters? Practical pharmacy and the principles of pharmacy, elementary physics and philosophy, elementary chemistry, organic and inorganic, a short course on botany and materia medica, then a practical course on pharmacy, a preliminary course on chemical testing to ascertain the purity or impurity of drugs, and subjects of a like character.
25. Is there any other society in the colony where students desiring to get training on these subjects can do so? Not that I am aware of.
26. Do you believe that the legal establishment of such a Board as this will elevate the trade or profession? Undoubtedly.
27. And do you believe so far as you can judge that it is a thing which is necessary in order that the society may carry on its operations with the greatest amount of benefit to itself and to the public? Absolutely.
28. *Dr. Wilkinson.*] Does not the Technical College undertake some course in practical pharmacy? I believe they do, but I cannot give you any decided information upon the point, because I do not really know what they do, except by common report.
29. But is it not a fact that the Technical College aims at giving such instruction in pharmacy as will enable a man to be a chemist? I believe so.
30. Is your course in practical pharmacy a complete course? Yes, and it is not only the practice of pharmacy but also the principles involved.
31. You know something about the ordinary examinations required in London to enable a man to be a chemist? Yes.

32. Is the course you undertake really of the same standard? Precisely the same as far as our limited means will admit. We are in a state of infancy. We are working on the same lines as they do in London.

33. How long is your course in practical pharmacy? At the present time it would take at least two years, but then we hope to have lectures at more frequent intervals. At the present time they are only holding one a-week, but we hope in the early future to hold them much more frequently, and then of course a man may be able to go through his course possibly in a year.

34. You mean that he would be able to take such a course in a year that he would be practically qualified to pass examination as a pharmacist? Yes, it being understood in any case that he must have been three years duly indentured to a qualified chemist and druggist.

35. *Chairman.*] You do not propose to restrict persons from the practice of pharmacy unless they have a diploma from you? Oh dear no. We are only endeavouring to restrict entries to the society, and nothing more. We do not propose to interfere with the outside public who do not choose to get a certificate or diploma from us. They are not debarred in any way by this Bill from practising pharmacy. It simply regulates the conduct of our society.

36. *Mr. Hassall.*] The Bill deals entirely with the present members, and those who may be members in the future? Yes, we claim the right to examine intending members.

E. Quaile
Esq.
13 Oct., 1887.

Caleb Soul, Esq., called in, sworn, and examined:—

37. *Chairman.*] I believe you are a chemist and druggist carrying on business in Sydney? Yes, as much as any one. C. Soul, Esq.

38. You are aware that this Committee has been appointed by the Legislative Assembly to inquire into and report upon a Bill to enable certain gentlemen to incorporate a Company, known as the Pharmaceutical Society of New South Wales? Yes. 13 Oct., 1887.

39. Have you read the Bill? Yes.

40. Do you wish to give evidence in favour of it or otherwise? No, against it.

41. What are your grounds for objection? It is an exclusive society.

42. In what way? In its dealings, in every possible form. They want to shut out every individual connected with the trade who does not pass what they call their examination.

43. Do you mean to say that they wish to shut out persons who are not registered by them from practising the trade? Oh, yes.

44. Can you point out any clause of the Bill which bears that interpretation or construction? I think that the preamble does so to a certain extent.

45. The preamble is not operative, it has to be proved? It states certain facts which already exist? Oh.

46. Can you point out anything in the Bill to show that it will bear the construction which you have put upon it? Not being a legal man I am not prepared to do that exactly, but I have heard it generally reported that if this Bill pass, in my opinion the society ought to be brought under the Friendly Societies Act—they intend to bring in a Bill which will exclude any one except those who have passed their examination from selling either epsom salts or carbonate of soda. This intention on their part is stated in their official organ, the *Chemist and Druggist*.

47. Is it their official organ? They distribute it.

48. You have read a statement that this society intends to introduce a Bill later on to give them greater powers and privileges, but there is nothing in the Bill before the Committee which gives them powers or privileges to which you object? Nothing in particular.

49. Your only objection is that if they get this Bill they will come and ask in a future Parliament to have their powers extended so as to create a monopoly? Decidedly. I look upon this Bill as a stepping-stone to another, because at the conference in Melbourne both Mr. Bozon and Mr. Main are reported to have stated that when they got their amending Bill, no druggist, no one out of their society in any way, not even a storekeeper in the country, should be able to sell even epsom salts or carbonate of soda. They say that no drugs, either for internal or external use—I can show you the report—shall be sold except by persons licensed by them.

50. *Mr. Davis.*] You are speaking of a Bill in the near future? Yes. We were in business before the passing of the Pharmacy Act.

51. *Chairman.*] Who are the we? My son and I—Washington H. Soul and Caleb Soul—were in business in Pitt-street prior to the passing of that Act. We have applied, as you will see by the *Gazette*, to the Pharmacy Board, which is composed of a great many gentlemen connected with the Pharmaceutical Society, for leave to sell poisonous drugs under the Pharmacy Act, on the ground that we were in business prior to its enactment, and that, therefore, we were entitled to the enjoyment of its privileges, and they refused our application. The Act says that no person shall be licensed to sell poisons unless under certain restrictions or on production of certain certificate save and except those who have been carrying on business prior to 1876.

52. The Board held that you did not come under that Act? No, they did not hold anything. They will not give any reason.

53. *Mr. Davis.*] Some members of the Board, being members of the Pharmaceutical Society, are personally interested in rejecting your application? Yes.

54. *Chairman.*] Do you state that these men, because they are connected with the Pharmaceutical Society exclude you from selling poisons? I believe so.

55. Have you any reason for that belief? No; they simply refused to grant my application. I received a letter from the Secretary, asking for a statutory declaration. We sent it, and since then we have been simply told "no."

56. *Mr. Davis.*] Are you aware that a similar society has been started in Victoria? Yes.

57. You say that you and your son, that is the firm of "Washington H. Soul & Son," applied to the Pharmacy Board to be allowed to sell drugs, and you have been refused such permission? Yes.

58. You have reason to believe that there are some gentlemen on that Board who are interested in the society? That is my opinion.

- C. Soul, Esq. 59. And you think that if the society is incorporated, other people as well as you will suffer more? I have no doubt about it.
- 13 Oct., 1887. 60. Can you give us a precedent where persons in a similar position to yourself and son have applied for such a license and been refused, or can you give us an instance where a person being in a similar position to yourself has applied for one and obtained it? No.
61. *Dr. Wilkinson.*] When did you apply to the Pharmacy Board for a license to sell poisons? I think it was in February of this year.
62. In whose name, Soul and Son? In my son's name and my own.
63. Are you both in Sydney? Yes.
64. You personally have been carrying on business as a druggist since when? August, 1872.
65. *Mr. Davis.*] The Pharmacy Act came into force in 1876? Yes.
66. *Dr. Wilkinson.*] By the right of practising before 1876 you consider that you are entitled to a license? We were not dispensing everything, but occasionally we dispensed.
67. What do you mean? We were not regular dispensers. We were druggists and druggists' sundries men.
68. *Mr. Davis.*] Can you not compel the Pharmacy Board to give you a license? It would be too expensive. It is hardly worth while to take that step. We let the public know of the way these gentlemen treat us, and I think that we get the business in another way. The public are very generous. When they see that anyone is not playing a course quite straight they exercise some discretion.
69. *Dr. Wilkinson.*] You set up as a druggist and chemist in 1872? Yes.
70. Before that where did you get your training? In London, from 1845 to 1862. When I left London I was in the wholesale drug trade. I was never in the retail drug trade.
71. In what position? As a manufacturer.
72. You had never been with a dispensing chemist as an assistant? Never.
73. You are therefore not really trained in such a way as to qualify you to dispense medicines? I do not admit that. I say I have not had the ordinary dispensing training.
74. Therefore if the Pharmacy Board is really a Board which has to give out licenses to men who are qualified, you can scarcely consider that you ought to receive a license from it? I think that we ought, because there are members of the society who were never chemists. Collins, the homeopathic chemist and druggist in George-street, was steward previous to 1872, or about that time, on one of the vessels, and frequently when I used to travel up the north he used to put the ordinary can in my berth. He knew nothing more about dispensing than my foot.
75. Before 1872 you say that you were a wholesale chemist in the wholesale drug trade in England? Yes.
76. You did not apply for any certificate? No, it was not necessary.
77. Do you think that if you had applied they would have admitted you? I had no thought about it. I do not think there was a society in England at that time. It is subsequent to 1845 that the English society has been started.
78. I am speaking about 1872? I was chief book-keeper in a house in 1840, and manufacturer in 1845.
79. Do you think that the position of book-keeper in a druggist's shop would be a very fitting training for a dispenser? Very likely not without further knowledge. My knowledge was not attained in that way.
80. *Dr. Wilkinson.*] Since you have been in Sydney you have been in the habit of systematically dispensing medicines? I think that for the last three years we have regularly dispensed. We do not do it ourselves. I could not do our business if I tried.
81. Have you ever been what you would call a dispensing chemist, working yourself? No, not in the ordinary acceptance of the term.
82. I suppose that you applied to the Pharmacy Board for a license in your own name? Yes.
83. Surely if you have not had the requisite training in a druggist's shop you really have no right to expect that the Board would license you to sell poisons? I think I know as much of the business as most of them.

APPENDIX

PHARMACEUTICAL SOCIETY OF NEW SOUTH WALES INCORPORATION BILL.

APPENDIX.

[To Mr. Pinhey's Evidence.]

Pharmacy Board of New South Wales—Synopsis of Examination of the Pharmacy Board of New South Wales, under 40 Vic. No. 9.

BOARD OF EXAMINERS.

<i>Materia Medica</i> , Prescriptions	T. B. Melhuish, M.P.S.
Practical Dispensing, Pharmacy	B. F. Bozon, M.P.S.
Botany, Chemistry	James Mayne, F.R.M.S., M.P.S.

THIS examination shall include Prescriptions, Practical Dispensing, *Materia Medica*, Botany, Pharmacy, and Chemistry.

The candidate must give to the Registrar notice of his intention to present himself for examination, and pay the fee of three guineas ten days prior to the day of examination.

Candidates for this examination must have passed the preliminary examination. (Examiner, B. F. Bozon, M.P.S.)

In case of rejection a rejected candidate may present himself for re-examination after a period of three months.

Each candidate must make a statutory declaration that for at least three years he has been registered and employed as an apprentice to a qualified chemist, keeping open shop for the compounding and dispensing of physicians' prescriptions.

The candidates will be examined in the following subjects:—

PRESCRIPTIONS.

The candidate is required to read, without abbreviation, autograph prescriptions, translate them into English, and render a literal as well as an appropriate translation of the directions for use. To detect errors, discover unusual doses, and have a general knowledge of Posology; also, to render in good Latin ordinary prescriptions written in English.

PRACTICAL DISPENSING.

To weigh, measure, and compound medicines; write the directions in concise language, in a *neat and distinct* hand; to finish and properly direct each package. (In awarding marks in this subject the time taken by the candidate in doing the work is taken into account.)

PHARMACY.

To recognise the preparations of the Pharmacopœia which are not of a definite chemical nature, and have well-marked physical characters—such as extracts, tinctures, powders, &c.; to give the proportions of the active ingredients, and possess a *practical* knowledge of the processes, and the principles of the processes by which they are made, and of the best excipients and methods of manipulation for forming emulsions, pills, &c.

MATERIA MEDICA.

To recognise specimens of roots, barks, leaves, fruits, resins, gums, animal substances, &c., used in medicine; give the botanical and zoological names of plants, &c., yielding them, and the natural families to which they belong; name the countries and sources from which they are obtained, the official preparation into which they enter, and judge the quality and freedom from adulteration or otherwise of the specimens. It will also comprise a *practical* knowledge of the methods of estimating the value of important drugs, of obtaining their active proximate constituents in a separate state, of identifying them and ascertaining their purity or impurity by tests.

BOTANY.

This comprises an intimate acquaintance with the parts of the flower, fruit, and seed; the functions and mode of arrangement of the different organs of plants; a knowledge of the general principles of classification, and of the Linnæan and De Candolle's systems. The candidate must be able to distinguish practically between each of the following natural orders: Ranunculaceæ, Papaveraceæ, Cruciferæ, Malvaceæ, Leguminosæ, Rosaceæ, Cucurbitaceæ, Umbelliferæ, Compositæ, Gentianaceæ, Convolvulaceæ, Solanaceæ, Atropaceæ, Labiatae, Scrophulariaceæ, Polygonaceæ, Euphorbiaceæ, Orchidaceæ, Iridaceæ, Liliaceæ, Melanthaceæ, Graminaceæ; and refer to their respective orders such specimens as may be shown to him.

CHEMISTRY.

This comprehends an intimate knowledge of the laws of chemical philosophy; a *practical* knowledge of the nature and properties of the elements and their compounds, both organic and inorganic, especially those used in medicine or the Arts. The different combinations and decompositions must be explained by equations. Also, the *qualitative* analysis of the more important chemicals—*e.g.*, Nitrates, Chlorides, Carbonates, Sulphates, Phosphates, Oxalates, Tartrates, &c., and the detection of impurities in them; and the *volumetric* estimation of the strength of all pharmacopœia preparations in which standard solutions are ordered to be used. An elementary knowledge of the properties of light, heat, electricity, and magnetism is also required.

TEXT BOOKS.

The following are the Text Books prescribed by the Board:—

- “The British Pharmacopœia.”
- Pereira's “*Materia Medica*,” edited by Professors Bentley and Redwood.
- Bentley's “*Manual of Botany*.”
- Squire's “*Companion to British Pharmacopœia*.”
- Attfield's “*Chemistry—General, Medical, and Pharmaceutical*.”
- Fowne's “*Medical of Chemistry*.”
- Proctor's “*Pharmacy*.”

Sydney, 1st June, 1886.

W T. PINHEY,
Secretary and Registrar.

2710

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

REDHEAD COAL-MINE RAILWAY ACT
AMENDING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
15 February, 1888.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER,

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 45. TUESDAY, 20 DECEMBER, 1887.

5. REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL (*Formal Motion*):—Mr. Day moved, pursuant to Notice,—
- (1.) That the Redhead Coal-mine Railway Act Amending Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Barbour, Mr. Ewing, Mr. Melville, Mr. O'Sullivan, Mr. Creer, Mr. Fletcher, Mr. Brunner, Mr. Thompson, and the Mover.
- Question put and passed.
-

VOTES No. 53. WEDNESDAY, 15 FEBRUARY, 1888.

4. REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL:—Mr. Day, 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 consideration and report this Bill was referred on 20th December, 1887, together with Appendix and a copy of the Bill, as amended and agreed to by the Committee. Ordered to be printed.

* * * * *

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1887-8.

REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 20th December, 1887,—the “*Redhead Coal-mine Railway Act Amending Bill,*”—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose *See list, p. 4. evidence will be found appended hereto); and, the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments, including an amendment in the Title.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Title.

GEORGE DAY,
Chairman.

No. 2 Committee Room,
Sydney, 14th February, 1888.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL.

TUESDAY, 14 FEBRUARY, 1888.

Present:—

MR. DAY, | MR. BARBOUR,
MR. EWING.

GEORGE DAY, Esq., IN THE CHAIR.

Joseph Palmer Abbott, Esq., called in, sworn, and examined:—

1. *Chairman.*] Are you connected with the Redhead Coal-mine Company? I am solicitor for the J. P. Abbott, Esq.
2. Do you know where this Company intend to commence their works? Yes.
3. In what part of the country is it? In the county of Northumberland, the parish of Kahibah, near Newcastle, 14 Feb., 1888.
4. Are you aware that the Company obtained a Bill authorizing them to construct a railway to the Redhead coal-mine? Yes; on the 14th April, 1883, that Bill was passed.
5. Does that Bill give power to construct a railway any time within five years of the passing of the Act to their coal-mine for the purpose of carrying coal? Yes.
6. Do the Company find now that under the original Bill they are not able to construct that line within the time stipulated in the original Act? Yes; it would be impossible for them to construct it.
7. And they are applying to Parliament for another Bill to extend the time in order to enable them to carry out what was proposed in the original Act? Yes.
8. Can you give the Committee any information with regard to the cause that has prevented them from carrying out the railway within five years under the principal Act? Yes; this Company had six grants issued to them by the Crown in the year 1883.
9. Were they grants of mineral lands? They were grants of mineral conditionally-purchased lands, and the balances had been paid up, and the grants were issued, but the Company were delayed in getting their title to some of the land because of the population reserve adjoining Newcastle extending into the land. Until the Act of 1884 was passed there was no way of making the grants valid except by Act of Parliament. After they got their grants issued, and all the titles, as they thought, complete, a number of people went and selected several portions which had been granted to the Company. They went and made purchases on them at the end of 1884. The land was conditionally purchased by those people on the ground that the conditional purchases previously made, and under which the grants by the Crown had been issued to the Company, were invalid. Legal proceedings were then taken by those people who selected these lands, and writs of *scire facias* were issued out of the Supreme Court, calling upon the Redhead Coal-mine Company to show cause why those grants should not be set aside. There being a provision in the Crown Lands Act of 1884 by which the Crown grants are deemed to be records of the Supreme Court, and the Court then having control over its own records could issue these writs to set these records aside. Under that power the writs of *scire facias* were issued against the Company on the 19th May, 1886.

J. P. Abbott, 1886. The cases were not argued before the Full Court until August, 1886, and the Full Court then set aside the Crown grants, holding that the foundation on which they were issued was defective, inasmuch as the applicants for the land as mineral conditional purchasers, and as conditional purchasers, had not strictly complied with the law.

Esq.
14 Feb., 1888.

10. Their title, then, was set aside by the Supreme Court on certain points of law? Yes.
11. What were those points of law? One I know was that several conditional purchases had been made by some persons on the same day.
12. Can you state all the grounds? The reasons for setting aside the grants will appear in the writs of *scire facias*, a copy of which I will hand in. I now hand in one of the writs (*Appendix A*). There were several similar writs relating to the other portions of land, but the same grounds are stated in every one of them. I will also put in the Crown grant (*Appendix B*). There were five other writs issued against five other grants, and they were all issued on the same points as set out in that writ of *scire facias* which I have handed in. Only one case was argued before the Full Court, and the decision of the Court in that case governed all the rest. The Court then made a rule absolute in every case. After that a Bill was introduced into the Legislative Assembly by the Government to validate the grants. The present Chief Justice was counsel for the Redhead Coal-mine Company at the time. The Bill was passed by both Houses, Parliament being of opinion that the Company had been very unfairly dealt with. By that measure the grants were validated.
13. Did that Bill become law? Yes.
14. At what time? It was during the time of the Jennings Government. It would be about the latter part of the year 1886.
15. Then this Company had no opportunity of carrying out the intention of the original Act to make the railway within five years? No; they had not a certain title until the Act which I have just mentioned was passed, in 1886. After that Act was passed, it was not until the beginning of 1887 that the legal proceedings were finally settled, and the matter dropped. It must have cost the Company £2,000 to contest the matter, and they had spent an enormous sum in developing the mine.
16. The Company never found themselves really clear to carry out the intentions of the original Act until 1887? No. I should have said that the Redhead Coal-mine Company were not the original conditional purchasers of the land; they took the transfer of it. They bought out the original holders, and apparently everything was in order when the transfers were taken by the Company.

William Alston Hutchinson, Esq., called in, sworn, and examined:—

W. A.
Hutchinson,
Esq.
14 Feb., 1888.

17. *Chairman.*] You are chairman of the directors of the Redhead Coal-mine Company? Yes.
18. Were you chairman of the Company when the Act authorizing them to construct a railway was obtained in 1883? Yes, I was chairman at that time, and I have held the same position until now.
19. After you got that Bill passed through Parliament, did the Company make any exertions to construct the railway to their works? Yes; up to that time the pit was put down, the machinery was on the ground, and we had expended about £25,000 on the property, and were prepared to make a railway and bring the coal to market.
20. Did anything intervene to prevent you from carrying out that work? Yes; caveats were lodged in the Supreme Court against the transfer of the property, and of course we could go to no further expense until we had tested those caveats, and an action was brought to make the parties withdraw them, or to test them, and we were unsuccessful in the Supreme Court.
21. *Mr. Barbour.*] Was there a Bill introduced into Parliament to legalize your Crown grants? Yes.
22. *Chairman.*] About what time was that? That would be about eighteen months ago.
23. Towards the end of 1886? Yes.
24. And that Bill was passed? Yes.
25. Up to that time your Company had no opportunity to carry out this railway, to construct which they had got authority in 1883? We suspended our operations when our title to the property was questioned.
26. When you had the power to construct the railway, had you sufficient power to do so? No; the title was not complete until about four months ago. We had to pass them through the Lands Titles Office, and to get new certificates issued before we were on safe ground.
27. Then in reality the Company were not in a position to make the railway, on account of the litigation which took place, until about four months ago? They were not in a position to do it until that time.
28. And it was utterly impossible for them to make the railway within the time specified? Yes.
29. Therefore the Company applied to Parliament for an extension of the time granted under the Act? Yes.
30. They do not ask Parliament in this extension Bill to alter the original Bill in any way, do they? No.
31. *Mr. Barbour.*] Are the Company in a position now to go on with the railway? Yes; proceedings will be taken as soon as the Bill is passed—in fact we are waiting now. A portion of the line will be commenced very shortly in conjunction with another Company.
32. And the railway will be proceeded with with all reasonable dispatch? Yes.
33. *Mr. Ewing.*] And the Company lost four months in consequence of their title being questioned? It took four months from the lodging of the caveats until we got our titles.
34. And you have been put to an enormous expense in consequence of the proceedings that were taken? We spent £25,000 on the property five years ago, and the interest on that money for four years has been a dead loss to the Company. The expenses of litigation amounted to between £2,000 and £3,000, including the cost of the transfer of the property.

REDHEAD COAL-MINE RAILWAY ACT AMENDING BILL.

APPENDIX.

[To Evidence of J. P. Abbott, Esq.]

A.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith
&c. &c.

To the Sheriff of the Colony of New South Wales or his lawful Deputy.

Greeting :

WHEREAS we lately with the advice of our Executive Council of our said Colony by our deed of grant under our Seal of the said Colony bearing date at Sydney the twenty-fourth day January in the forty-fourth year of our reign and recorded and enrolled in the Register Book volume 528 folio 122 in the office of our Registrar-General for the said Colony at Sydney in the said Colony the seventh day of April one thousand eight hundred and eighty-one Reciting that whereas the Redhead Coal-mining Company (Limited) had in conformity with the provisions of the Crown Lands Alienation Act of one thousand eight hundred and sixty-one conditionally selected for the purpose of mining other than gold-mining the lands thereafter described and had duly performed and fulfilled all and every the conditions upon the performance and fulfilment of which they were entitled to become the purchasers of the fee simple of the said lands and to have a grant thereof made to them without reservation of minerals other than gold upon paying for the said lands at and after the rate of two pounds per acre and did thereby in consideration of the premises in our said deed of grant mentioned and of the sum of one thousand two hundred and seventy-eight pounds sterling money well and truly paid into the Colonial Treasury of our said Colony before these presents issued grant unto the said Redhead Coal-mining Company (Limited) their successors and assigns subject to the several and respective reservations thereafter mentioned All that piece or parcel of land in our said Colony containing by admeasurement six hundred and thirty-nine acres be the same more or less situated in the county of Northumberland and parish of Kahibah comprising portions one hundred and forty-three and one hundred and forty-four and thereafter more fully described as by our said deed of grant recorded and enrolled as aforesaid amongst other things more fully appears.

And whereas we are given to understand that the said Redhead Coal-mining Company (Limited) was a corporation and not a person within the meaning of the Crown Lands Alienation Act of one thousand eight hundred and sixty-one at or before the time when the said Redhead Coal-mining Company (Limited) purported to conditionally select for the purposes of mining other than gold-mining in conformity with the provisions of the Crown Lands Alienation Act of one thousand eight hundred and sixty-one the lands in our said deed of grant mentioned and described and by reason thereof could not and did not in conformity with the provisions of the said Act conditionally select the said lands for the purposes of mining other than gold-mining.

And further that the said Redhead Coal-mining Company (Limited) on the eighteenth day of November one thousand eight hundred and seventy-five did in contravention of the said Act and its Amending Act of one thousand eight hundred and seventy-five on one and the same day apply to conditionally purchase for the purposes of mining other than gold-mining the lands in the said deed of grant mentioned and described and also to conditionally purchase certain other separate and distinct selections for the purposes of mining other than gold-mining of other Crown Lands all of the said lands being then and before that time open and available under the said Acts for selection for the purposes of mining other than gold-mining and by reason thereof could not and did not in conformity with the provisions of the said Acts conditionally select for the purposes of mining other than gold-mining the lands in our said deed mentioned and described.

And further that the said Redhead Coal-mining Company (Limited) on the day and year last mentioned in contravention of the provisions of the said Crown Lands Alienation Act of one thousand eight hundred and sixty-one and of its Amending Act of one thousand eight hundred and seventy-five at one and the same time applied to conditionally purchase for the purposes of mining other than gold-mining the lands in our said deed of grant mentioned and described being of the area of six hundred and thirty-nine acres and also to conditionally purchase certain other separate and distinct selections for the purposes of mining other than gold-mining of a further area of land amounting to three thousand four hundred and eighty-one acres of Crown Lands making a total area of four thousand one hundred and twenty acres being an area greatly in excess of the area allowed by the said Act to be applied for as aforesaid or to be taken up by way of conditional purchase by any one person at any one time the whole of the said lands being at and before that time open and available under the said Acts for selection for the purposes of mining other than gold-mining and the said Company was in contravention of the said Acts declared the conditional purchaser of the lands as aforesaid and the said Redhead Coal-mining Company (Limited) by reason thereof could not and did not in conformity with the provisions of the Crown Lands Alienation Act of one thousand eight hundred and sixty-one and its Amending Act of one thousand eight hundred and seventy-five conditionally select for the purposes of mining other than gold-mining the lands in our said deed of grant mentioned and described.

By means of which said several premises the said deed of grant so as aforesaid granted to the said Redhead Coal-mining Company (Limited) their successors and assigns is or ought to be void and of no force or effect in law And we being willing that what is just should be done in the premises command you that by your lawful officers of our said Colony you give notice to the said Redhead Coal-mining Company (Limited) that they be before us in our Supreme Court of the said Colony at King-street Sydney on the twenty-seventh day of May instant to show if they have or know of anything to say for themselves why the said deed so granted to them as aforesaid and all duplicates of the same registered under the provisions of the Real Property Act of one thousand eight hundred and sixty-two and its amending Acts and the enrolment of the same as hereinbefore mentioned and all entries and memorials in the Register Book of the said Registrar-General relating to such land for the reasons aforesaid ought not to be cancelled vacated and disallowed and why the said Registrar-General should not be directed by the order of our Supreme Court to cancel vacate and disallow our said deed of grant and all duplicates thereof as aforesaid and the enrolment of the same as aforesaid and all entries or memorials in the Register Book of the said Registrar-General relating to such land and why this deed of grant and all duplicates thereof as aforesaid should not be restored into the office of the said Registrar-General there to be cancelled vacated and disallowed as aforesaid And further to do and receive those things which our said Supreme Court shall consider just in this behalf and have there the names of those by whom you shall so give them notice of this writ.

Witness the Honorable Sir James Martin Knight Chief Justice of our said Court at Sydney the nineteenth day of May in the forty-ninth year of our reign and in the year of our Lord one thousand eight hundred and eighty-six.

For the Prothonotary
(L.S.) JOHN GEORGE LEARY,
Fifth Clerk of the said Supreme Court.

Indorsement.

In the Supreme Court of New South Wales 2162 of 1886—The Queen v. the Redhead Coal-mining Company (Limited)—
Copy *Sive Focias* 19th May 1886.

Let this writ issue.—J. H. WANT. Dated this seventh day of May, A.D., 1886.
This writ was issued by Herbert Salwey, of Number Two, O'Connell-street, Sydney, solicitor.

B.

APPENDIX.

B.

(No. 81/39.)

New South Wales.

(Land Grant.)

[Coat of Arms.]

Register Book, vol. 528, fol. 122.

GRANT OF LAND CONDITIONALLY SELECTED FOR THE PURPOSE OF MINING OTHER THAN GOLD-MINING.

Country Lot.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth :—

To all to whom these presents shall come, greeting :—

WHEREAS, in conformity with the provisions of the Crown Lands Alienation Act of 1861, the lands hereinafter described have been conditionally selected for the purpose of mining other than gold-mining by the Redhead Coal-mining Company (Limited) of Redhead; and whereas the said Redhead Coal-mining Company (Limited) have duly performed and fulfilled all and every the conditions upon the performance and fulfilment of which they are entitled to become the purchasers of the fee simple of the said lands, and to have a grant thereof made to them, without reservation of minerals other than gold, upon paying for the said land at and after the rate of £2 per acre: Now know ye that, for and in consideration of the premises, and of the sum of one thousand two hundred and seventy-eight pounds sterling money, well and truly paid into the Colonial Treasury of our said Colony, before these presents are issued, we, with the advice of our Executive Council of New South Wales, have granted, and for us, our heirs and successors, do hereby grant, unto the said Redhead Coal-mining Company (Limited), their successors and assigns, subject to the several and respective reservations hereinafter mentioned, all that piece or parcel of land in our said Colony, containing, by admeasurement, six hundred and thirty-nine acres, be the same more or less, situated in the county of Northumberland, and parish of Kahibah, portions one hundred and forty-three and one hundred and forty-four: Commencing on the margin of Lake Macquarie, at the western end of the southern boundary of portion sixty-eight, of forty acres; and bounded thence on the north by that boundary bearing east fifteen chains eighty-four links; on the west by part of the eastern boundary of that portion bearing north twenty-seven chains forty-five links; again on the north by the southern boundary of portion one hundred and thirty-seven, of forty acres, bearing east twenty-nine chains ninety links; again on the west by the eastern boundary of that portion and part of the eastern boundary of portion one hundred and thirty-eight, of forty acres in all, bearing north fifteen chains thirty-four links, thence by a line crossing a road one chain wide, bearing east one chain, and thence by that road bearing north ninety-five links; again on the north by the southern boundary of two acres two roods appropriated for a Church of England burial-ground, and the southern boundary of one acre two roods appropriated for a Roman Catholic burial-ground, in all bearing east eight chains; again on the west by the eastern boundary of the latter appropriation, a line crossing a road one chain wide, and the eastern boundary of two acres two roods appropriated for a general cemetery, in all bearing north ten chains thirty-eight links; on the south by the northern boundary of the last-mentioned appropriation and the northern boundary of two roods ten perches appropriated for a Presbyterian burial-ground, in all bearing west eight chains to the eastern side of the first-mentioned road, one chain wide; again on the west and on the south-west by that road bearing north three chains fifty-four links, and thence north fifty-six degrees forty minutes, west five chains sixty-six links; again on the north by part of the southern boundary of portion sixty-six, of forty acres, bearing east seven chains three links; again on the west by the eastern boundaries of that portion and portion sixty-seven, of forty acres, in all bearing north forty chains sixty-seven links, thence by a line dividing it from the latter portion bearing west two chains seventeen links, and thence by part of the eastern boundary of portion sixty, of one hundred acres, bearing north three chains twenty-nine links; again on the north by the southern boundary of portion one hundred and forty-two, of three hundred and twenty acres, bearing east seventy-three chains eighty-two links to the margin of the South Pacific Ocean; on the south-east by lines along the margin of that ocean bearing south thirty-four degrees forty-five minutes, west six chains fifty-nine links, south thirty-two degrees thirty-nine minutes, west thirteen chains sixty-six links, south twenty-seven degrees fifty-nine minutes, west twenty-one chains eleven links, south twenty-seven degrees forty-three minutes, west nineteen chains fifty-four links, south twenty-four degrees fifty minutes, west ten chains two links, south twenty-two degrees, west twenty-chains, south twenty-one degrees three minutes, west twenty chains thirteen links, and thence south sixteen degrees thirty minutes, west twenty-four chains ten links; again on the south by a line bearing west forty-nine chains sixty-four links to the margin of Lake Macquarie; and again on the south-west by lines along the margin of that lake bearing north seventy-eight degrees twenty-two minutes, west two chains seventy-three links, north fifty-seven degrees fifty-three minutes, west one chain forty-eight links, north sixty-four degrees twenty-four minutes, west one chain thirty-seven links, north sixty degrees forty-two minutes, west one chain sixty-seven links, south eighty-four degrees thirty-two minutes, west one chain thirty-eight links, north thirty-three degrees thirty-four minutes, west two chains thirty-five links, north three degrees twenty minutes, east two chains fifty-five links, north thirteen degrees fifty minutes, west six chains thirty-four links, north forty-five degrees twenty-two minutes, west two chains thirty-six links, north fifty-eight degrees thirty minutes, west one chain thirty-two links, and thence north thirty-nine degrees fifty minutes, west two chains sixty-two links, to the point of commencement. Exclusively of a road one chain wide passing through this land and north-easterly, and thence in a north-westerly direction of another road one chain wide from that road in a northerly direction, and thence along a western boundary of a road fifty links wide from the first-mentioned road, along part of a northern boundary, and of another road one chain wide in an easterly, and thence in a north-easterly, direction, the areas of which have been deducted from the total area,—as per plan in the margin hereof;* with all the rights and appurtenances whatsoever thereto belonging: to hold unto the said Redhead Coal-mining Company (Limited), their successors and assigns, for ever: Provided, nevertheless, and we do hereby reserve unto us, our heirs and successors, and to our and their lessee or lessees, all gold and mines of gold, with full and free liberty and power to search for, dig, and take away the same; and also saving and reserving unto us, our heirs and successors, all such parts and so much of the said land as may hereafter be required for making public ways, canals, or railroads, in, over, and through the same, to be set out by our Governor, for the time-being, of our said Colony, or some person by him authorized in that respect; and also all sand, clay, stone, gravel, and indigenous timber, and all other materials, the natural produce of the said land, which may be required at any time or times hereafter, for the construction and repair of any public ways, bridges, canals, and railroads, or any fences, embankments, dams, sewers, or drains, necessary for the same, together with the right of taking and removing all such materials; and we do hereby further reserve unto us, our heirs and successors, and to all persons authorized by the Governor, for the time-being, of our said Colony in that behalf, the right of full and free ingress, egress, and regress, into, out of, and upon the said land, for the several purposes aforesaid. In testimony whereof we have caused this our grant to be sealed with the seal of our said Colony.

Witness our right trusty and well-beloved Councillor, Sir Augustus William Frederick Spencer Loftus (commonly called Lord Augustus Loftus), Knight Grand Cross of our Most Honorable Order of the Bath, Governor and Commander-in-Chief of our Colony of New South Wales and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this twenty-fourth day of January, in the forty-fourth year of our reign, and in the year of our Lord one thousand eight hundred and eighty-one.

(L.S.) JAMES HOSKINS.

AUGUSTUS LOFTUS.

[Stamp, £6 10s.]

[Indorsement.]

RECORDED and enrolled in the Registrar General's Office, at Sydney, in New South Wales, this 7th day of April, 1881.

E. G. WARD,

Registrar-General.

No. 88,266 Caveat, dated 31st December, 1884, produced and entered 2nd January, 1885, at five minutes past 10 o'clock in the forenoon.

HY. NEWCOMBE,

Deputy Registrar-General.

I CERTIFY the within to be a true copy of the original Crown Grant, registered volume 528, folio 122.

HY. NEWCOMBE,

Registrar-General's Department, Sydney, 8th June, 1886.

Deputy Registrar-General.

[One Plan.]

Sydney: Charles Potter, Government Printer.—1888.

[9d.]

* See Plan.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

SAINT SAVIOUR'S GLEBE LAND LEASING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
1 *March*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-S.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 47. THURSDAY, 22 DECEMBER, 1887.

2. SAINT SAVIOUR'S GLEBE LAND LEASING BILL:—Mr. Hugh Taylor presented a Petition from Francis Robert Lewis Rossi, Captain, of Rossville, Goulburn, representing that he has learned that a Bill called "Saint Saviour's Glebe Land Leasing Bill," has been introduced into the Legislative Assembly, and that he, being a Trustee of Saint Saviour's Church, has not been consulted in the preparation of the Bill; that he disapproves of its passing; and praying that inquiry may be made in the premises, with a view to redress, and that he be permitted to be heard at the Bar of the House, or before the Select Committee on the Bill, in reference thereto. At the request of Mr. Taylor, the Petition was read by the Clerk, by direction of Mr. Speaker,—and received.
5. SAINT SAVIOUR'S GLEBE LAND LEASING BILL (*Formal Motion*):—Mr. Colls moved, pursuant to Notice,—
- (1.) That the Saint Saviour's Glebe Land Leasing Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Hayes, Mr. Day, Mr. Dawson, Mr. Teece, Mr. Hawthorne, Mr. Carruthers, Mr. Inglis, Mr. Frank Farnell, Mr. Barbour, and the Mover.
- Question put and passed.
-

VOTES No. 61. THURSDAY, 1 MARCH, 1888.

4. SAINT SAVIOUR'S GLEBE LAND LEASING BILL:—Mr. Colls, 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 consideration and report this Bill was referred on 22nd December, 1887. Ordered to be printed.
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1887-8.

SAINT SAVIOUR'S GLEBE LAND LEASING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 22nd December, 1887, "*Saint Saviour's Glebe Land Leasing Bill*," and to whom was also referred, on the same date, the "*Petition of Captain Francis Robert Lewis Rossi*,"—beg to report to your Honorable House:—

That having examined the witnesses named in the List* (whose evidence will be found appended hereto), they proceeded to consider the Preamble, and the question being put from the Chair, "That this Preamble stand part of the Bill," it was negatived.

THOMAS COLLS,
Chairman.

*No. 3 Committee Room,
Sydney, 29 February, 1888.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 15 FEBRUARY, 1888.

MEMBERS PRESENT :—

Mr. Hayes,	|	Mr. Colls,
Mr. Teece,	|	M. Barbour.

Mr. Colls called to the Chair.

Entries from Votes and Proceedings appointing the Committee and referring the Petition of Captain F. R. L. Rossi, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same before the Committee.

Committee deliberated.

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

TUESDAY, 21 FEBRUARY, 1888.

MEMBERS PRESENT :—

Mr. Teece,		Mr. Frank Farnell.
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In the absence of a quorum, the meeting called for this day lapsed.

WEDNESDAY, 22 FEBRUARY, 1888.

MEMBERS PRESENT :—

Mr. Colls in the Chair.

Mr. Day,	|	Mr. Hayes.
----------	--	------------

Present :—Mr. A. G. Ralston (*Counsel for the Bill*);

Captain F. R. L. Rossi (*Petitioner against the Bill*).

Augustine Matthew Betts, Esq. (*one of the Trustees for St. Saviour's Church*), called in, sworn, and examined.

Witness withdrew.

Captain Francis Robert Lewis Rossi (*one of the Trustees for St. Saviour's Church*) sworn and examined.

Captain Rossi objected to any further proceedings because the whole case is now before the Equity Court.

Room cleared.

Committee deliberated.

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

WEDNESDAY, 29 FEBRUARY, 1888.

MEMBERS PRESENT :—

Mr. Colls in the Chair.

Mr. Teece,	|	Mr. Frank Farnell,
Mr. Hayes,	|	Mr. Day.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and negatived.

Chairman to report to the House.

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SAINT SAVIOUR'S GLEBE LAND LEASING BILL.

WEDNESDAY, 22 FEBRUARY, 1888.

Present:—

MR. COLLS, | MR. DAY,
MR. HAYES.

T. COLLS, ESQ., IN THE CHAIR.

Mr. A. G. Ralston, Barrister-at-Law, appeared on behalf of the promoters of the Bill.
Captain Rossi appeared to oppose the Bill.

Augustine Matthew Betts, Esq., called in, sworn, and examined:—

1. *Mr. Ralston.*] You are one of the trustees of St. Saviour's glebe, I believe? Yes.
2. The glebe is the land described in the first part of the preamble of the Act? Yes, it is.
3. Who are the other trustees? The others are Francis Robert Lewis Rossi, the Honorable James Chisholm, and Andrew Faithful Gibson.
4. I think portions of the glebe have been resumed by the Commissioner for Railways? They have
5. And the proceeds are in the hands of the trustees? Yes.
6. And the trustees are anxious to lease other portions of the glebe;—are they not? Yes--they have let some portions, and are anxious to let other portions.
7. You have made an agreement with the present incumbent, the Venerable Archdeacon Puddicombe? Yes, I produce a copy of the agreement.
8. Was that agreement signed by Archdeacon Puddicombe, Captain Rossi, and the other trustees you have mentioned? Yes, it was. I should also say that it was signed by Mr. Mackellar, who has ceased to be a trustee.
9. In that agreement you have received the consent of the incumbent to lease the land? Yes.
10. And in consideration of that you agree to obtain the passing of a Bill to allow him £300 a year? We agreed to apply for such a Bill, and to endeavour to obtain it.
11. Then, under this agreement, you agree to pay the incumbent £150 a year out of the moneys received by you as provided by the 21st section of the Church Act—then you promise to give him a further £150 if you can obtain the passing of the Bill? Yes, that is so.
12. It is in consequence of this agreement that this Bill is now before the House? Yes, it is in accordance with our undertaking with the Archdeacon.
13. It provides for power to invest the money received from the Commissioner for Railways for the payment of £150, and the allotment of certain portions of the glebe to the clergyman? Yes.
14. *Mr. Day.*] Is the agreement produced the agreement between the trustees and the clergyman? Yes, it is an exact copy of it.
15. And Captain Rossi signed that agreement? Yes.
16. All you wish to do is to carry out that agreement which you made with another party? That is all we wish to do.

A. M. Betts,
Esq.
22 Feb., 1888.

- A. M. Betts, Esq.
22 Feb., 1888.
17. And all the trustees are equally liable and responsible? Yes.
18. Do any of the trustees object? I understand that Captain Rossi objects, but the others are unanimous in wishing to carry out the agreement.
19. One of the trustees cannot upset all the rest, can he? It would not seem reasonable that he should do so.
20. At any rate the clergyman would have a good action against the trustees if the agreement was not carried out? No; we say in the agreement that we will use our best endeavours; we do not undertake absolutely to obtain the Bill. We could not be sure that Parliament would pass it.
21. And is Captain Rossi the only one of the church district of Goulburn who objects? I am not quite in a position to say that.
22. Do you know of any others yourself? I know that some of the parishioners object on the ground that it is contrary to the provisions of the Church Act.
23. *Mr. Hayes.*] You do not produce the grant? I have a certified copy.
24. Do you cite the trusts? Yes; the land is granted under the Church Act.
25. And under the 21st section of that Act is it necessary for the trustees to get the consent of the clergyman before they can lease? Yes.
26. The Act also provides in that section that the amount that can be paid to the incumbent is £150 a year? Yes; that is the maximum amount.
27. When you applied to him for power to lease did he make it a condition that his stipend should be increased to £300 a year? He made it a condition that we should give him £300 if Parliament would sanction it, that is, £150 more than is provided for in the Church Act. The Church Act says that the incumbent is to receive £150 a year, and the surplus income is to be applied to church buildings in the adjoining parishes.
28. Have any other churches been built in the town or district? Yes; there are two other churches in the township.
29. Those churches would come under this section both for the erection of the churches and the support of the ministers afterwards, would they not;—have they got any money from the trust? No, none whatever.
30. Can you give the Committee any idea of what is the present income of this trust? It is about £280 a year.
31. In the event of your getting power to lease would that increase the income? We expect that it will; we hope to lease an additional portion of the land, and thereby to increase the income.
32. To any material extent? Unfortunately the time for making these leases, through the proceedings instituted by Archdeacon Puddicombe to set aside the agreement, has passed by to a great extent, and I believe that at the present time there would be a difficulty in leasing the property at all for the next few years. There is no demand now for land for building purposes in Goulburn. The time is passed for the present, and when it will come again is a mere matter for speculation.
33. Then with the present income of £280 a year, how do you propose to provide £300 for the Archdeacon, and secure the same amount to his successor? We should be able to issue some leases at once, and I think we should be in a position to raise the amount, and perhaps that is all.
34. You are aware of the section that provides under the trust that the trustees shall first pay £150 a year to the incumbent, any surplus derivable from the glebe lands to be appropriated to maintaining the dwelling-house for a clergyman, and in supplementing, to the extent of £100 a year, other charges in the same parish or district? Yes, I am aware of that provision.
35. The effect of the Bill if passed will be to hand over to the present clergyman £300 a year, and to take away from others the aid that they should have under the Church Act? I presume that that would be the effect. It would give the £300; then we should be £150 short of the amount which should perhaps be applied to other purposes.
36. The Act provided that the money should be appropriated in a special way? The Church Act never contemplated the original incumbent getting more than £150 a year, but our circumstances are exceptional in Goulburn.
37. I understood you distinctly to say that before this clergyman consented to allow you to lease the glebe he made it a condition that he should receive £150 a year more than he is entitled to under the Act? He made it a condition that we should give him an addition of £150 if we could. It was an absolute condition; on these grounds we applied for the Bill.
38. *Mr. Day.*] The area of the land is about 8 acres? No; it was 40 acres originally, but out of that about 6 acres were taken by the Commissioner for Railways; 8 acres were reserved by the Act for the incumbent's own personal use, and the lands which we propose to lease are the residue.
39. I suppose it is intended to issue building leases? Yes.
40. It is quite close to the town of Goulburn? It is in the town.
41. If you could lease all the land you would be able to realise more than £300 a year? We certainly should be.
42. Suppose you raised £400 from the leasing of the land, could you hand the other £100 over to the other two clergymen? As matters stand at present we should be bound to carry out the provisions of the 21st section of the Act, and we could do nothing else as regards the surplus. The Bill does not interfere with the surplus in any way, therefore we should have to fall back on the Church Act, unless any other provision be made for the sanction of Parliament.
43. Have any of the trustees named here tendered their resignation? Yes, Mr. Mackellar.
44. The Church Act requires that one-fifth of the entire area shall be handed over to the clergyman for his use? Yes; we have no power to lease that.
45. This Bill would repeal part of the Church Act? It would alter one section, as far as this land is concerned.
46. *Chairman.*] Do you not consider that after the first £150 is paid the other clergymen have a claim? Of course they have, and that is why we have come to Parliament to make out a case to alter the provisions of the Act.
47. *Mr. Hayes.*] To take the income away from the others and give it to Archdeacon Puddicombe? Yes; but it must be said that he was not bound to give his consent to the leasing of the land.
48. *Chairman.*] That would not entitle him to get the other £150? No, but he need not have done it.
He

He knew he was not entitled to £300 unless Parliament would give it. We anticipated that Parliament would see fit to sanction that departure from the Church Act, though it was distinctly understood that the trustees would not hold themselves responsible for getting the Bill, but had simply asked Parliament to pass the Bill. The circumstances connected with the glebe are exceptional, because we have a large amount of money which has been paid to us by the Commissioner for Railways.

49. I presume that the money is invested? It is invested.

A. M. Betts,
Esq.
22 Feb., 1888.

Captain Francis Robert Lewis Rossi called in, sworn, and examined:—

50. *Chairman.*] You are one of the trustees mentioned in the Bill? Yes, I am senior trustee.

51. And one who signed this agreement? Yes.

52. And you are still a trustee? Yes.

53. *Mr. Day.*] Is there a law-suit pending in the Court of Equity in regard to the property? Yes, in regard to the administration of the funds.

54. In regard to the land dealt with by the Bill? Yes.

55. *Mr. Hayes.*] At whose suit? At my suit; I am plaintiff.

56. *Mr. Day.*] When will the action come on? It is before the Court, on the present list, but there is some delay owing to the present Judge having been engaged as counsel in the case, and being consequently unable to try it.

57. Until that is settled will the Bill prejudice the case? Yes, irremediably.

58. *Chairman.*] How long has the case been pending? It was instituted about eleven months ago.

59. *Mr. Day.*] In the event of the Committee not agreeing to your suggestion you could apply to the Judge and prevent them going on with the Bill? That is a legal question.

60. You could apply for an injunction? The Select Committee would not desire, I should think, to foment litigation.

61. *Mr. Ralston.*] Is it not a fact that the suit that occasioned the delay of the Bill before was not one between you and the trustees but a suit between Archdeacon Puddicombe and the trustees? It was a suit between Archdeacon Puddicombe and the trustees.

62. To set aside this very agreement? I did not follow the thing, but when made defendant I said I would do nothing in the matter.

63. Do you not know that it was to set aside the agreement? I believe it was.

64. Is not this suit of yours simply a quarrel between yourself and the other trustees? I aver most solemnly before God that it is not.

65. Will you tell us in what way your suit touches the agreement? It is in clause 2; I have applied that the accumulated funds shall be handed over to me, but they propose to give them to the incumbent. I am the only trustee—of course we are now going into the whole question—I have to show in Court that they are not trustees at all. Now I show the connection by showing that this money which is referred to in clause 2 of this Bill is the very money that I am asking to be handed over to me as the sole trustee at the time.

66. *Mr. Hayes.*] You are opposed to the Bill being passed pending the Equity suit you have brought against the other trustees? Yes.

Captain
F. R. L. Rossi.
22 Feb., 1888.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SAINT SAVIOUR'S GLEBE LAND LEASING BILL.

(PETITION AGAINST—F. R. L. ROSSI, CAPTAIN.)

Received by the Legislative Assembly, 22 December, 1887.

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

The Petition of Francis Robert Lewis Rossi, Captain, of Rossville, Goulburn,—

HUMBLY SHOWETH:—

That your Petitioner has learnt that a Bill, called "Saint Saviour's Glebe Leasing Bill," has been introduced and read yesterday evening, the twenty-first instant, before your Honorable House.

That your Petitioner is a Trustee of Saint Saviour's Church and Lands, and having been so appointed above thirty years is the senior Trustee.

That your Petitioner has never been consulted by Trustees of Saint Saviour's Church in the preparation of the Bill, nor has he seen the Bill till a few hours since; and your Petitioner desires to say, with utmost respect, he is obliged to disapprove entirely from the passing of such a measure.

That your Petitioner, having observed a notice published about October last, by the Honorable Mr. Pigott, of his intention to introduce the Bill, did thereupon give notice in the *Government Gazette* of his intention to oppose its passing.

That your Petitioner holds a letter written to him by Mr. Betts, on twenty-second January last, informing him, when speaking of Saint Saviour's Church, "the late Trustees now no longer hold office," also a letter following after, from the Honorable James Chisholm, further notifying his resignation; these vacancies have all been duly filled up by the election of other Trustees.

That in connection with some of the foregoing matters, and especially to matters having reference to moneys representing the compensation money paid by the Commissioner for Railways in respect of portion of Glebe taken for Railway purposes, a civil action in the Equity Court has been instituted by your Petitioner, as plaintiff, and is now pending against the Honorable James Chisholm, Andrew Faithful Gibson, and Augustine Matthew Betts.

That your Petitioner therefore humbly prays for the foregoing and other reasons,—

That your Honorable House will cause enquiry to be made on the premises, and that such redress may be afforded as to your Honorable House may seem fit, in order to avert disastrous issues. And that your Petitioner may be permitted to be heard before the Bar of your Honorable House, or before the Select Committee, if appointed.

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

Sydney, 22nd December, 1887.

F. R. L. ROSSI,
Captain.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SILVERTON TRAMWAY ACT AMENDING BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *March*, 1888.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 60. WEDNESDAY, 29 FEBRUARY, 1888.

10. SILVERTON TRAMWAY ACT AMENDING BILL (*Formal Motion*):—Mr. Day moved, pursuant to Notice,—
- (1.) That the Silvertown Tramway Act Amending Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Barbour, Mr. Waddell, Mr. Hayes, Mr. Kelly, Mr. De Courcy Browne, Mr. Burdekin, Mr. Lyne, Mr. Chanter, Mr. Garrett, and the Mover.
- Question put and passed.

VOTES NO. 68. TUESDAY, 20 MARCH, 1888.

3. SILVERTON TRAMWAY ACT AMENDING BILL:—Mr. Waddell presented a Petition from Charles Bath, of Sydney, Merchant, praying that he may be heard by Counsel, Attorney, or Agent, before the Select Committee now sitting on the Silvertown Tramway Act Amending Bill, in opposition to the said Bill, with liberty to adduce such evidence as he may be advised in opposition thereto, or in support of this Petition.
- Petition received.

VOTES NO. 70. THURSDAY, 22 MARCH, 1888.

6. SILVERTON TRAMWAY ACT AMENDING BILL:—Mr. Day, 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 consideration and Report this Bill was referred on 29th February, 1888, together with Appendix and a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.
- * * * * *

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1887-8.

SILVERTON TRAMWAY ACT AMENDING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 29th February, 1888, the "*Silverton Tramway Act Amending Bill*," and to whom was also referred, on the 20th March, 1888, the "*Petition of Charles Bath, of Sydney*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose evidence will be found appended hereto), and the Preamble having been satisfactorily proved to your Committee they proceeded to consider the several clauses and the Schedule to the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

GEORGE DAY,
Chairman.

No. 3 Committee Room,
Sydney, 21st March, 1888.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6 MARCH, 1888.

MEMBERS PRESENT :—

Mr. Day,	|	Mr. Barbour,
Mr. Waddell,	|	Mr. Burdekin.

Mr. Day called to the Chair.
 Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.
 Printed copies of the Bill *referred*, together with original Petition to introduce the same before the
 Committee.
 Committee deliberated.
 [Adjourned to Wednesday, 14 March, at *Eleven* o'clock.]

WEDNESDAY, 14 MARCH, 1888.

MEMBER PRESENT :—

Mr. Barbour.

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

WEDNESDAY, 21 MARCH, 1888.

MEMBERS PRESENT :—

Mr. Day in the Chair.

Mr. Kelly,	|	Mr. Barbour,
Mr. De Courcy Browne.		

Entry from Votes and Proceedings *referring* the Petition of Charles Bath, of Sydney, against the
 Bill, *read* by the Clerk.

Present :—A. R. Butterworth, Esq. (*Counsel for the Petitioner against the Bill*).

Joseph P. Abbott, Esq., M.L.A., called in, sworn, and examined.

Witness handed in written consent of the Mayor of Silverton to the proposed Bill. (*See Appendix.*)

Witness withdrew.

Duncan Grant, Esq., called in, sworn, and examined.

Witness withdrew.

Mr. Butterworth addressed the Committee in opposition to the Bill.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Counsel called in and informed.

Clauses 1 to 3 read and agreed to.

Schedule read, amended*, and agreed to.

Title read and agreed to.

Chairman to report the Bill with an amendment to the House.

*See Schedule of
 Amendment.

SCHEDULE OF AMENDMENT.

Page 2, Schedule, line 58, *omit* “eighty-two links,” *insert* “Adelaide-street.”

LIST OF WITNESSES.

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Abbott, Joseph P., Esq., M.L.A.	5
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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SILVERTON TRAMWAY ACT AMENDING BILL.

WEDNESDAY, 21 MARCH, 1888.

Present:—

MR. BARBOUR,
MR. DE COURCY BROWNE,

MR. DAY,
MR. KELLY.

G. DAY, ESQ., IN THE CHAIR.

Mr. Butterworth appeared as Counsel for the Petitioner against the Bill.

Joseph Palmer Abbott, Esq., M.P., called in, sworn, and examined:—

1. *Chairman.*] You are a solicitor of the Supreme Court of New South Wales? Yes.
2. And Member for the Electoral District of Wentworth? Yes.
3. You are aware that an Act was passed some time ago to enable the Silvertown Tramway Company to make a tramway from the South Australian border to Broken Hill? Yes; it was put through at the end of the session rather hurriedly. It was found, on going through the Act carefully, that it required a large number of clerical amendments which are indicated in the Schedule to the Bill before this Committee.
4. The Company have found it necessary to bring in this Bill in order to carry on their affairs? I think so. I hand in a copy of their Act; the amendments which the Company require in the Act are indicated in red ink. I know the locality where the tramway passes through Silvertown. It was originally intended to take the line through Adelaide-street, in Silvertown, crossing the Umberumberka Creek at its western intersection with the town of Silvertown.
5. Is the tramway finished from the border to Broken Hill? Yes. Originally it was only intended to take the line to Silvertown, but it was afterwards decided to take it on to Broken Hill. When the matter was first mooted Broken Hill was a place of no importance, and Silvertown was the largest centre of population on the Barrier Ranges. When the surveys were made it was found that by going through Adelaide-street there would be some very heavy cuttings to make. It was found, upon the plans and sections being taken out, that a better route could be got by taking the line down through Sturt-street. They made it there, but before making it they applied to the Municipal Council for permission to do so. The corporation did not feel that they had any power in the matter—that their assent would be of no real value to the Company, but they said that they would not interfere with the construction of the line that way, and would give their assent to the passing this Bill through Parliament. The Mayor, under the seal of the municipality, has given this consent, which I now hand in. [*Appendix A.*] The line has been constructed along Sturt-street, and is in working order now. The amendments which the Company require in their Act are merely verbal amendments, with the exception of the deviation and the alteration of the Schedule they in no way affect the principles of the Act.
6. Is there any other evidence that you would like to give? I do not think so.
7. The whole of these amendments, strictly speaking, are merely verbal amendments to make the Act workable? They do not affect in the slightest degree the principles of the Act, or the powers given to the proprietors.
- 8.

J. P. Abbott,
Esq., M.P.
21 Mar., 1888.

- J. P. Abbott, Esq., M.P.
21 Mar., 1888.
8. With the exception of the proposed amendment in the schedule they carry out the intentions of the Act? I do not know that that amendment is really an alteration of the Act.
9. *Mr. Butterworth.*] Do I understand you to say that these amendments have been found necessary for the working of the line? No, I do not say so. I say that some of them have been found necessary for the working of the Company.
10. Is not that limiting your original statement, because you described the amendments as purely verbal amendments? Yes.
11. Do you consider that it applies to clause 3? I said that with the exception of the deviation and the alteration of the schedule.
12. The third clause does in fact make a very important alteration in the Act? I do not know that it does, because the lines are not definitely laid down in the description in the schedule. It says:—"Through the resumed area of Thackaringa Pastoral Holding about $6\frac{1}{2}$ miles to the fenced boundary." There may be a deviation there of 2 or 3 miles, and yet be within the resumed area.
13. This clause must be intended to cover deviations, I presume, which were not allowed by the original Act? I imagine so.
14. It will enable such a deviation to be made as will increase the entire length of the line by about 4 miles? I think the clause says so; I do not know.
15. If I am right in saying that the line is not far short of 38 miles it could be lengthened under this clause by one-tenth of its length, that is, by nearly 4 miles? Yes. The line, as a matter of fact, is constructed, and its length is now known, so it would not be lengthened by 4 miles. If it is 38 miles long it remains 38 miles.
16. Do I understand you to mean that this Bill is really asking for Legislative power to do that which has already been done? To a certain extent it is, because the Company were under the impression that the corporation had power to give their assent; but on consultation with their solicitors it was found that they had no legal power to do that, although they might not interfere with the Company.
17. But only to some extent, I understand you to say? I tell you that I do not know very much about the third clause.
18. It is certainly the most striking if not the most important part of the Bill? There is not much in it one way or another. It does not interfere with any private property; it cannot interfere with any private property. I do not believe it touches a single acre of private land. It is all Government land.
19. You are confining the attention of the Committee to Sturt-street? I do not care what deviation they make. They have built the line through Sturt-street, and between Silvertown and Broken Hill I do not think they could touch an acre of private land.
20. Will it not allow a deviation in quite a different direction;—will it not allow a deviation to take place in Broken Hill itself? That is a matter of legal construction, not evidence.
21. Your evidence has been chiefly upon legal construction; perhaps you will not object to answer the question? I will not answer it. It is a matter of legal construction. I am not going to tell the Committee what the clause means, nor you either.
22. You cannot point to anything which prevents the Company from extending the line in the township of Broken Hill by virtue of the power in this clause? Of course I can. They are limited by the Act to a point in Broken Hill, and they cannot go beyond that. This Bill would give them no power to go beyond the point of limit.
23. They might deviate? Yes; deviate between the two terminal points.
24. A deviation might amount to something very much like a branch line? No; it could not possibly within a mile. Where would they branch to within a mile? The whole country is unoccupied, except Silvertown and Broken Hill, and a few of the mines there. Speaking from my own knowledge, and my recollection of the place, I should not think that this line would go through any mines until it touched Broken Hill, that is the township of Willyama.
25. It goes close to the Umberumberka Mine? I do not think it goes near that mine. I am not sure of that. It is a little way out of Silvertown, towards the border.
26. Is the line being worked between Cockburn and Broken Hill? Yes. I understand that they have entered into a contract with the South Australian Government for a period of five years to carry their stuff.
27. It is not in writing? I imagine it is.
28. The Company do not produce it to-day? No; I have not got it.
29. You have said that the Bill legalises certain alterations which have been made;—is it not the case that there is nothing to limit the Company to these deviations, but that further deviations may be made under clause 3? Yes, of course, within a mile on either side, but to no greater distance.
30. To the extent of one-tenth of the whole length of the line? If a deviation has already taken place from the described route this Bill would not authorize them to deviate any more. If they have deviated a mile, it will not allow them to deviate another mile.

Duncan Grant, Esq., called in, sworn, and examined:—

- D. Grant, Esq.
21 Mar., 1888.
31. *Chairman.*] What are you? I am a railway contractor, and a director of the Silvertown Tramway Company.
32. Do you live at Silvertown? No, at Melbourne.
33. You are aware that an Act was passed in 1886 to enable your Company to construct a tramway to Broken Hill? Yes.
34. Did you notice any defects or omissions in the Act? There are several omissions. The word "railway" is used in place of "tramway," and there are several things of that kind which require amendment. There is a diversion from the original route through the town of Silvertown.
35. The tramway is in working order from the South Australian border to Broken Hill? Yes.
36. Did you have anything to do with the construction of the line? No.
37. Did the Directors find any difficulty about some cuttings near Silvertown? Yes; the reason that the line was diverted from Adelaide-street to Sturt-street was because some very heavy cuttings would have had to be made. The road would also have had to be crossed going into Silvertown, and leaving it, the main road to Menindie. By going down Sturt-street we got a very much better line, and avoided these two objectionable crossings. We also avoided two considerable curves, one going into the town, and the other

D.
Grant, Esq.
21 Mar, 1888.

other leaving it. Again, the road by the Umberumberka Creek is very swampy. It is low-lying ground, and in case of flood the creek would have been very dangerous to any embankment. The creek would have had to be crossed, which would also have been objectionable.

38. The directors came to the conclusion to take the easiest route? Yes; the gradient in Adelaide-street would have been 1 in 40, but the steepest grade in Sturt-street is 1 in 80. We could not have hauled so much with an engine in Adelaide-street as we can in Sturt-street.

39. What did you do? We asked the corporation of Silverton to allow us to go down Sturt-street in lieu of Adelaide-street, and they raised no objection to the proposal.

40. Did they state anything that you would have to do? Our Bill stipulates how we have to lay the line through towns or municipalities. The line is right on the top of the range in Silverton. It is quite level, and can be crossed by drays at any point. It is not fenced in. Adelaide-street is at an incline, and had the line been taken by that route we should have had to make a cutting along the side of the street. Our Bill does not allow of that; it provides that the line must be laid as near the true level of the roadway as possible. It would not allow us to cut down a street 2 or 3 feet. There is a fall of 30 feet between Sturt-street and Adelaide-street.

41. The whole of the deviations are within the Municipality of Silverton? Yes. The deviations would not amount to more than a quarter of a mile altogether.

42. Does it go through private property? Not that I am aware of. It would have been almost impossible to go along Adelaide-street, because we should have had to buy up land there.

43. You found it necessary for the well-being of your Company and the benefit of the public to make these deviations? Yes.

44. You had the concurrence of the Municipal Council? Yes. It enabled us to make the line 13 chains shorter than what was originally intended. It is only $34\frac{1}{2}$ miles from Broken Hill to the Border. There was no survey made before the original Bill was obtained. The promoters did not know at that time that they would meet with the difficulties I have described. It was originally intended, before Broken Hill assumed the dimensions it has, to extend the line to block ten in the township of Silverton, but afterwards it was decided to take the line on to Broken Hill.

45. I suppose the deviation saved money to the Company? Yes.

46. Did anyone suffer by the alteration of the route? No. The public are benefited by the deviation, because Bourke-street is the principal street. The line is not a minute's walk from the principal portion of the town.

47. Generally speaking, there was no objection, and every one must be benefited by the alteration? Yes. We also agreed with the corporation to put a passenger station in the middle of the town. The goods station is outside the town on Crown Lands.

48. You did not bring in this Bill to enable you to make further deviations? Oh, no. We do not require to deviate any further. Our line runs to the point indicated in the Act.

49. You do not intend to lengthen the line? No. We simply want legal power to run the tramway down Sturt-street.

50. That is the principal object of the Bill? Yes.

51. Other amendments are principally verbal amendments? Yes. They are of no consequence to us.

52. *Mr. Butterworth.*] Do I understand that you have reached your final termination in Broken Hill? Yes.

53. Is it not proposed to run your line any further through the township than where the terminus at present is? We are now constructing it to the terminus. We stopped at the goods station on level ground about half a mile from the terminal point. We are now joining the mines there. Our Act allows us to go to the boundary of the Broken Hill property. We shall go there and no further. We have no power to go on to private lands. We are not seeking for power to make any extension.

54. I understand that the line is not completed yet in the township of Broken Hill? The traffic really does not go into the township. There is a tramway reserve in the township.

55. Is your tramway line complete, or do you intend to carry it further than it is at present into the township? We intend to join the mines. We are constructing it now to join the mines, but our Act allows us to do that. We do not seek any power under this Bill to extend the line.

56. You seek powers to deviate? Only at Silverton. We are not deviating. The line is completed. The Act does not mention in what direction we shall go from Silverton to Broken Hill. We have *carte blanche* to go where we like between those two points. It is all Crown land. It did not matter how we went; so we took the best route.

57. Do you mean that you are not confined to the tramway reserve? There is only a tramway reserve in the township. We are going down there with a passenger line. We do not seek to take the main traffic into the township.

58. This Bill allows you to deviate anywhere along the whole line, and the line into the township of Broken Hill is, I understand, not complete? No; we must go down to the tramway reserve in Broken Hill. We do not intend to go to any other part of Broken Hill.

59. You do not intend to make any deviation in the township of Broken Hill? No.

60. *Mr. Kelly.*] I understand you to say that you are going to arrive at some terminal point in Broken Hill? We have not diverged anywhere, except in the township of Silverton. It is usual in all Bills of this class to allow a deviation of a mile.

61. Can you say whether the Bill would not enable the Company to deviate from the goods-shed and run down some other street into the township? There is no street where the goods-shed is; it is outside the town on Crown land; it is half a mile away from the township.

62. Would not the Bill enable you to construct another line from the goods-shed to another part of the town and come round to the terminal point? I do not think so. There is a tramway reserve there for us; it is 6 chains wide; there is a road on either side of it. It is a loss to us to make a tramway through the town for the passenger traffic. We shall charge nothing to the people. We might if we chose stop where we are, and put the people to the cost of a shilling to reach the township.

63. The people of Silverton or of Broken Hill have not offered any objection? No. If our Act had provided for a deviation of half a mile there would have been no occasion for this Bill. They omitted that provision in the original Bill.

- D. Grant, Esq. 64. *Mr. Butterworth.*] The whole length of the line, as allowed by your Act, is 18 miles 25 chains from Cockburn to Silverton, and 15 miles from Silverton to Broken Hill, that is 33 miles 25 chains altogether? I think it is 34½ miles in length. It was not surveyed when the Bill was passed.
- 21 Mar., 1888. 65. This Bill enables the Company to deviate so as to increase the line by one-tenth of 33 miles 25 chains? It would not be one-tenth, or anything like it.
66. But it enables you to do that. If the work is done as you say, is not that an unnecessary power to take? I do not know anything about that. The work is done.
67. The line, as completed, is 1 mile 15 chains longer than was proposed in the Schedule of the Act. Can you see any reason why Parliament should enable the Company to increase the length to the extent of 3 miles? It may be necessary to put sidings in a mine, or something of that sort.
68. *Mr. De Courcy Browne.*] You have to go some distance further from your goods-shed in Broken Hill to reach your terminal point? About 20 chains.
69. It is more than 20 chains from your goods-shed to block 14? It will be, through the Company's land.
70. How far is it to block 13? Fully a mile. That would be on the Company's property.
71. *Mr. Butterworth.*] How much further on public land have you to go? It will be more than 20 chains. If it goes to block 13 it may be a mile. We only go to the point indicated in the Schedule to the Act. Whether the distance is a little longer than that or not I do not know.
72. *Chairman.*] Do the Committee understand that, whether it is a long line or a short one, you are only going from point to point? Yes.
73. You want to go as straight as you can? Yes.
74. Are you bound, under the Act, to go by any particular way? No. We are bound to take the line between two points. It does not mention how we are to go.
75. *Mr. Barbour.*] The Bill is to protect you in case you should have to make any deviation? Yes.
76. If you were to make any deviation, even to the extent of a mile, would you interfere with any other interest? Oh, no; it is all Crown land.
77. You would not be going on to private lands? No.
78. Would you be interfering with any claims? No.
79. Have you any intention of making a deviation to that extent? No. The line is complete, except the little bit we are now making.
80. *Mr. Butterworth.*] Will not a deviation in Broken Hill seriously interfere with the line which the Broken Hill Tramway Company propose to make? I do not see how it can interfere with them. They have not indicated any particular point that I can see. I have seen their Bill, but they have not made any survey yet. If they get their Bill they will have to cross our lines somewhere.
81. Are you not aware that one of the reasons for your opposing their Bill was that you required the whole of the tramway reserve in Broken Hill for yourselves? No; I mentioned that we should require that land. We are not asking for anything in the town of Broken Hill.

APPENDIX.

[*To Evidence of J. P. Abbott, Esq., J.P.*]

A.

A Bill to amend the Silverton Tramway Act of 1866

WE, the Mayor and Council of the Municipality of Silverton, hereby express our approval of the Bill to amend the Silverton Tramway Act of 1866, authorizing the construction of a tramway along Sturt-street, Silverton, proposed by the Silverton Tramway Company, a copy of which said Bill is hereunto annexed.

In witness whereof we have, this 4th day of August, 1887, affixed our common seal.

[L.S.]

J. BUTTERWORTH,
Mayor.
A. L. TAIT,
Town Clerk.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SILVERTON TRAMWAY ACT AMENDING BILL.

(PETITION TO BE HEARD BEFORE SELECT COMMITTEE BY COUNSEL, ATTORNEY, OR AGENT IN OPPOSITION TO—CHARLES BATH.)

Ordered by the Legislative Assembly to be printed, 20 March, 1888.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales, in Parliament assembled.

The humble Petition of Charles Bath, of Sydney, in the Colony aforesaid, merchant, for himself and on behalf of the promoters of the Broken Hill Tramway,—

SHOWETH:—

1. That a Select Committee has been appointed by your Honorable House to inquire into and report upon the Silverton Tramway Act Amending Bill.

2. That a Bill to authorise the construction and maintenance of a tramway, from the terminus in the western boundary of the Colony of New South Wales, of the South Australian Railway, by way of Thackaringa, The Pinnacles, and Broken Hill to "Mount Gipps Hotel," is now before your Honorable House.

3. That the promoters of the last-mentioned tramway are interested in the subject matter of the inquiry referred to the said Select Committee.

Your Petitioner therefore humbly prays that he may be heard by counsel, attorney, or agent before the Select Committee, in opposition to the said Bill and the provisions thereof, with liberty to adduce such evidence as he may be advised in opposition thereto or in support of this Petition.

And your Petitioner will ever pray, &c.

Dated this twentieth day of March, one thousand eight hundred and eighty-eight.

CHARLES BATH.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SYDNEY AND SUBURBAN ELECTRIC
LIGHTING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
16 *May*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER,

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 49. WEDNESDAY, 8 FEBRUARY, 1888.

7. SYDNEY AND SUBURBAN ELECTRIC LIGHTING BILL (*Formal Motion*):—*Mr. Frank Farnell*, for *Mr. H. H. Brown*, moved, pursuant to Notice,—
- (1.) That the Sydney and Suburban Electric Lighting Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Roberts*, *Mr. Day*, *Mr. Moore*, *Mr. Parkes*, *Mr. Frank Smith*, *Mr. Teece*, *Mr. Barbour*, *Mr. Dawson*, *Mr. Withers*, and *Mr. H. H. Brown*.
- Question put and passed.
-

VOTES No. 91. WEDNESDAY, 16 MAY, 1888.

6. SYDNEY AND SUBURBAN ELECTRIC LIGHTING BILL:—*Mr. H. H. Brown*, 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 consideration and report this Bill was referred on 8th February, 1888, together with Appendix and a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

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1887-8.

SYDNEY AND SUBURBAN ELECTRIC LIGHTING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 8th February, 1888,—the “*Sydney and Suburban Electric Lighting Bill*,”—beg to report to your Honorable House as follows:—

That they have examined the witnesses named in the List* (whose See List, p. 7 evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

H. H. BROWN,
Chairman.

No. 3 Committee Room,
Sydney, 10th May, 1888.

William Samuel Foxall, Esq., called in, sworn, and examined.

Witness withdrew.

Edward Lloyd Jones, Esq., called in, sworn, and examined.

Witness withdrew.

Benjamin Backhouse, Esq. (*Chairman City of Sydney Improvement Board*), called in, sworn, and examined.

Witness handed in Report on Installation of Electric Light at Leamington. (*See Appendix B.*)

Witness Withdrew.

Edward Charles Cracknell, Esq. (*Superintendent of Telegraphs*), called in, sworn, and examined.

Room cleared.

Committee deliberated.

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

TUESDAY, 24 APRIL, 1888.

MEMBERS PRESENT:—

Mr. H. H. Brown in the Chair.

Mr. Frank Smith,

Mr. Day,

Mr. Withers,

Mr. Barbour.

Present:—A. E. Hemsley, Esq. (*Solicitor for the Bill*), G. K. Kirkland, Esq. (*one of the Promoters*).

Committee deliberated.

[Adjourned to Thursday next, at *half-past One o'clock.*]

THURSDAY, 26 APRIL, 1888.

MEMBER PRESENT:—

Mr. Withers.

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

THURSDAY, 3 MAY, 1888.

MEMBERS PRESENT:—

Mr. H. H. Brown in the Chair.

Mr. Withers.

Mr. Day.

Present:—A. E. Hemsley, Esq. (*Solicitor for the Bill*), G. K. Kirkland, Esq. (*one of the Promoters*).

Mr. Hemsley addressed the Committee.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Parties called in and informed.

Clause 1 read and *agreed to*.

Clauses 2 to 13 read, amended,* and *agreed to*.

Clause 14 read and *agreed to*.

Clauses 15 to 19 read, amended,* and *agreed to*.

Clauses 20 and 21 read and *agreed to*.

Clauses 22 to 24 read, amended,* and *agreed to*.

Clause 25 read and *agreed to*.

Clause 26 read, amended,* and *agreed to*.

Clause 27 read and *agreed to*.

Clause 28 read, amended,* and *agreed to*.

Clause 29 read and *agreed to*.

New clauses to stand clauses 13, 25 and 26 read and *agreed to*.

Room cleared.

Committee deliberated.

[Adjourned to Thursday next, at *half-past One o'clock.*]

THURSDAY, 10 MAY, 1888.

MEMBERS PRESENT:—

Mr. H. H. Brown in the Chair.

Mr. Day,

Mr. Barbour,

Mr. Withers.

Present:—A. E. Hemsley, Esq. (*Solicitor for the Bill*), G. K. Kirkland, Esq. (*one of the Promoters*), E. C. Cracknell, Esq. (*Superintendent of Telegraphs*), by direction of the Chairman.

Mr. Cracknell suggested certain amendments in clauses 10, 24, and 25, and withdrew.

Clause 10 reconsidered and *negatived*.

Clause 16 reconsidered, further amended,* and *agreed to*.

Clause 24 reconsidered, further amended,* and *agreed to*.

Clause 25 reconsidered, amended,* and *agreed to*.

Title read and *agreed to*.

Chairman to report the Bill with amendments, to the House.

* See Schedule
Amendmen

* See Schedule
of Amendments

storage battery, electric cable, insulated wire, pipe, safety-plug, switch, connection branch, or any other electric apparatus; and the promoters may be represented at such testing or examination, but shall not be entitled to interfere with the same. The Electrical Examiner shall within four days of the day on which the testing or examination was made by him deliver to the said Superintendent of Telegraphs a report in writing of such testing and of such examination, and shall deliver a copy thereof to the promoters, and such report shall be receivable in evidence.”

Examiner to report.

Apparata to be approved.

27. “No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the promoters, unless the said main conductor, photometer, or meter respectively shall be of a pattern approved in writing by the Superintendent of Telegraphs.”

Page 5, clause 26. 28, line 54. *Omit* “hereinafter” *insert* “hereinbefore”
 ,, 6, clause 28. 30, line 5. *Omit* “undertakers” *insert* “promoters”

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1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SYDNEY AND SUBURBAN ELECTRIC LIGHTING BILL.

WEDNESDAY, 28 MARCH, 1888.

Present:—

MR. BARBOUR,
MR. H. H. BROWN,MR. BRUNKER,
MR. FRANK SMITH.

H. H. BROWN, ESQ., IN THE CHAIR.

Messrs. Levy and Hemsley, Solicitors, appeared on behalf of the Promoters of the Bill.

Professor Threlfall called in, sworn, and examined.—

1. *Mr. Hemsley.*] What is your name? Richard Threlfall.
2. What are you? Professor of Physics in the Sydney University.
3. Have you read the Electric Light Bill which is before this Committee? I have.
4. You have had considerable experience theoretically and practically with regard to electric lighting? Professor
Threlfall.
28 Mar., 1888.
I have.
5. Would you explain to the Committee whether you think this Bill contains all the necessary provisions for the safety of the public and in other respects, and also favour the Committee with any other general remarks on the subject you may think necessary? It seemed to me that, as far as the general public were concerned, there was ample provision made for their protection, but at the same time there is a reference made in the Bill to some other measures which may perhaps be passed of a general character regulating electric lighting. I do not know whether there are any such Acts in force at the present time. In England there is an Electric Lighting Act, the provisions of which were made so stringent that the result has been to practically stop all electric lighting, or, at all events, to greatly hinder it.
6. *Mr. Barbour.*] Is that a general Act? Yes; a general Act.
7. Not a special one for any special company? No; there is a general Electric Lighting Regulation Act, and then, of course, there are special Acts. Clause 28 of this Bill states—"Nothing in this Act shall exempt the undertakers from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future session of Parliament." There are certain provisions which will probably be required to be made in a general way for the distribution of electricity; I mean certain limits as to what we call the electro-motive force, or electrical pressure in the mains.
8. As there is no general Act in existence, should not these provisions be inserted in this special Bill? Possibly, for a safeguard, it would be a good thing; but, on the other hand, all the appliances which can be bought for the supply of electric light are made so as to comply with the regulations of the general Acts in other countries, and it is impossible to get any apparatus for electric lighting which is not perfectly safe. All the apparatus are constructed to fulfil the requirements of safety Acts in other countries.

Professor
Threlfall.
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9. *Mr. Hemsley.*] What is your opinion as to the desirability of electric lighting? As to that, I think there can be no question. The amount of heat given out per unite of illumination afforded is very much less for electric light than it is for gas light. I would not be quite sure, but I have the impression that it is about eighteen times less. In addition to that, of course, the atmosphere remains perfectly clear; there is no contamination of the air.

10. And what is your opinion as to the relative safety of electricity and gas? Of the two I think that electricity is very considerably the safer.

11. Will you explain why? In all my experience I have never seen an accident arise from electric lighting, but I have seen several accidents from gas. One reason is that there is no chance of anything escaping. There is no chance of any accidents comparable with the accidents which occur from escaping gas. That is one reason. And the other reason is that the electric lights can be turned on and off simply by turning a handle, and this avoids all lighting of matches and the throwing about of ignited particles.

12. Have you any opinion as to the relative cheapness of electricity and gas? That is one of those questions it is very much easier to ask than to answer. A gas company that has its mains down, and which has accumulated through long years a large reserve fund might possibly be able to undersell the electric light through any small portion of the town, but there is no doubt that if the two systems were set side by side, one electric light and the other gas, and if the number of lights required was sufficiently large, say anything up to 2,000 lights, then, under those circumstances, the electric light would be considerably cheaper. Another reason for the cheapness of the electric light is that the buildings that are to be supplied must be within some reasonable distance of the central station. There is no doubt that in the case of Sydney, with the price of gas as high as it is, the electric light ought to be able to compete very favourably with gas. In fact I think it ought to be able to undersell gas at the present price.

13. *Chairman.*] And in your opinion, in a hot climate like this, it would be a very great advantage if private families had the opportunity of getting their houses lit with the electric light? Yes. Not only would it be a much pleasanter and a much better light, but very much healthier.

14. No fumes and no hot air? Exactly.

15. *Mr. Frank Smith.*] What is the chief danger to which the public are likely to be liable from the powers proposed to be conferred upon the Company by this Bill? As far as I know it is absolutely impossible, if the mains are properly put down and properly provided with switches, that there can be any danger in any way. I think it is impossible, any more than by laying on water pipes. There have been accidents, small fires, and so on, caused, not in connection with permanent installations, but in places where persons have been allowed to put down wires for (say) two months' trial under the condition of being ordered to take them up again at the end of that time. That is a very bad principle to go upon. The people who put down leads naturally try to put them down just to work out their period of probation, and then they get put down carelessly, and if the electric supply is put down carelessly, of course there is a liability to accident in the shape of fire in the same way as there would be a liability to accident in the shape of fire provided gas pipes were put down carelessly. But it is very much easier to put down electric mains well than it is to put down gas mains well, and there is no reason whatever why there should be any danger of any kind. The notion of danger, I think, arose in the first instance in the early days of electric lighting, when the electro-motive force, or electrical pressure in the mains, was not stereotyped or specified in any way, and some machines were made to work with enormous electrical pressures, many thousand volts, a volt being a unit of electrical pressure. In some cases, when that pressure reaches 3,000 or 4,000 volts it becomes distinctly dangerous to life on the part of anybody touching the wires. But all the lamps that are worked now are made to work at a pressure of 100 volts, and under these circumstances it is impossible by even grasping the two terminals to feel the slightest possible electrification. You can just feel it at the ends of your fingers, and that is all.

16. *Mr. Frank Smith.*] Will the method of laying down these mains be such as to cause any difficulty with the various municipalities through which they would have to run? I am afraid I do not know about that.

17. Do you say they will run in the same way as water mains? Yes. They will be put underground, and run much in the same way.

18. *Mr. Barbour.*] Would there be wires or cables? Cables. By cable I mean a wire surrounded by some insulating material. In some cases, perhaps, it would be more advisable to run the wires overhead.

19. Would they be enclosed within pipes? Yes. Underground they certainly would have to be enclosed.

20. And what would be the maximum diameter of the pipes through which the cable would pass? I do not think that in any case a pipe greater than 6 inches would be required. As a rule I do not think the diameter would be anything like so great, but at the outside I should think 6 inches.

21. And the inconvenience and damage to the street would be no greater than that caused by laying a 6-inch gas-pipe or water-pipe? No. It would be exactly the same, neither more nor less.

22. *Chairman.*] Is it your opinion that in order to prevent these cables coming into contact with any electric wires already constructed by the Government, and thus causing great danger of fire they should be carried underground? As to that, of course, I cannot say. I do not know where there are any electric wires constructed by the Government.

23. I understood this was one objection offered by Mr. Cracknell? I think there must be no doubt that if wires are taken overhead it should be the business of this Company, or anyone working under the provisions of this Bill, to get out of the way of such already existing wires, and that can be done very well. I think there is a clause arranging for that.

24. *Mr. Barbour.*] And the wires would have to be properly insulated? You could rely upon that being done in the interest of the Company. They would not want to lose their power, and would prevent their wires coming into contact with other wires. It could easily be arranged to avoid that. If you have permanent wires fixed on one side of a street the best course would be to take these electrical wires the other side of the street, and you can always contrive, by taking enough trouble, to get out of the way of wires already hanging. It may involve extending the length of wire in some cases, but I think it is sufficiently provided for in this Bill. Referring to clause 24, I do not quite see the principle on which 10 yards has been fixed as the distance from any part of a telegraph line of the Postmaster-General. I do not see why it should be 10 yards more than 5 or 20 yards. In some cases 2 yards would be ample, and in others perhaps it would be better to extend the distance to 15 yards.

25. *Mr. Frank Smith.*] Can you give us any particular instance within your own experience of the practical working of the power proposed to be conferred by this Bill? No, I cannot. 26.

Professor
Threlfall.

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26. Do you know of any place where the powers proposed to be given under this Bill are in operation? My experience of electric lighting is only with regard to the practical construction of the works, and in regard to the theoretical questions involved.

27. *Mr. Barbour.*] Has the electric light been applied in London? Yes; it has been applied very satisfactorily, but it was not applied by me.

28. *Mr. Frank Smith.*] Is there any instance within your own personal knowledge? I know of one installation very intimately—the installation of the Edison Electric Light Company. It has a centre at Holborn, near the Holborn-viaduct.

29. Do they operate in the same way as it is proposed the Company should operate under this Bill? I do not know what their Act is. They have been subject, of course, to the general Board of Trade Electric Light Regulation Act. Whether they have a separate Act or not I do not know, but I suppose they must have.

30. Is the Act called the General Board of Trade Electric Light Regulation Act? I do not know whether that is the exact title of it, but it is at all events a sufficiently close description to enable anyone to recognize the Act. I may mention that the general Act to which I refer has been found so unsatisfactory in its working, and so stringent as to prevent the introduction of the Lighting Act. The fear that existed when electric lighting was first introduced was that we were going to create a big monopoly such as the gas companies have become in England, and the members of Parliament were very anxious to prevent the creation of such monopolies. The result was that in this general Act one regulation that was passed was that at the end of, I think, ten or fifteen years the corporation through whose streets the wires and mains passed should have the right of buying the company out at some very low rate indeed—something like the cost of original construction, I believe. This prevented people from putting capital into electric lighting, and the result is that electric lighting in England, as compared with towns on the Continent and in America, is very much behindhand. This was felt to be such an evil that about two and a half years ago, just before Mr. Gladstone went in for Home Rule, a Bill was introduced into the House of Lords by Lord Raleigh, who is one of the greatest, if not the greatest, electricians in England, to change this Electric Lighting Act, and make the conditions as to the purchase by corporations more favourable to the electric light companies. It was admitted on all hands that Lord Raleigh's proposed Bill would meet the case. But Lord Raleigh belonged to the Conservative party, and the Government had a measure in hand of the same general character, and Lord Raleigh was persuaded to drop his Bill until the Government Bill could be brought in. Meanwhile the Home Rule cry arose; and the Government went out of office, and there the matter ended; and I believe it is in *statu quo*.

31. *Mr. Barbour.*] Have you any knowledge of any company that has successfully carried out a proposal such as that embodied in this Bill? Yes; it was successful in the case of the Holborn installation, to which I have referred.

32. What company was that? The Edison Electric Light and Power Company, I think. It is generally known as the Edison Company.

33. Has that been successful? It has been very successful indeed. I do not know whether it has been very successful to the shareholders, but it has been very successful as regards the consumers.

34. Has it been much taken advantage of? Yes, very much. When I left London they had, I think, about 3,000 lights running continuously. They had as many lights as their plant could supply, and were increasing their premises to enable them to put down more plant.

35. Have you any knowledge as to whether the consumers have been satisfied or otherwise? I have not had any private communication with any of them, but they appear to go on using the electric light, and there is continually a greater demand for it; so that I imagine they must find it satisfactory. In fact, I think that anyone who has had any experience of using the two lights side by side cannot have any doubt as to which is superior. In the two colleges at Cambridge, where I had a great deal to do with electric lighting, the opinion in favour of the electric light was unanimous.

36. In your opinion would it be an advantage to the public to have the opportunity of using this electric light, although they may be well supplied with gas? I think it would be a very great convenience. Not only is the light more healthy, but I think it is of a better quality. Electricity also affords a ready means of obtaining power for small motors, and for driving sewing-machines, or any other small domestic machinery. These could be very readily, very efficiently, and very safely driven by electricity. I wish to say that I have gained my knowledge of electricity as a branch of mathematics, and it also happens that I have both invented and made dynamo machinery, and have also been engaged in several installations, and at the present moment, in my new laboratory which is being erected for me at the University, the electric lighting system is being carried out with great completeness.

37. *Chairman.*] By the same gentleman who is promoting this Bill? Yes, Kirkland & Company. But what I want to point out is that my opinions as to commercial matters connected with electricity are quite valueless, except as those of a private individual, but on points of theory you will probably find that I am correct.

38. The electric light is now being satisfactorily constructed at the University? Yes.

39. Under the supervision of Mr. Kirkland or his agent? Yes.

George Kerry Kirkland, Esq., called in, sworn, and examined:—

40. *Mr. Levy.*] What are you? By profession I am an electrical engineer.

41. You are one of the promoters of the Company interested in this Bill? Yes.

42. Will you give the Committee any information you desire to offer upon the subject? In the first place I should like to hand in a copy of the standards for electric equipments accepted by the Board of Trade at Home, accepted by the Insurance Companies, and which are also in conformity with the Board of Trade's regulations (*Appendix A*). It is exactly on the lines of what are called the Phoenix rules, and the standard of rules compiled by the engineers at home, that the Company proposes erecting its plant in Sydney. The general purpose of the Bill is simply this. Should it pass through Parliament it is our intention to erect a central station, for which we have already acquired the land in a central part of the city, and to erect plant for the distribution of electricity as a motive-power, and also for lighting purposes. We do not bind ourselves to any particular plant, but should the Bill pass through Parliament we shall obtain the best plant of the latest description, and most economical form, that is possible to be obtained in England, Germany, or anywhere else where the plant is made.

43.

G. K.
Kirkland,
Esq.

28 Mar., 1888.

G. K.
Kirkland,
Esq.
28 Mar., 1888.

43. *Chairman.*] I believe that at present you hold contracts for the supply of electric lighting to some of the Government institutions? Yes; I have one large contract for the supply of electric light to the Sydney University; the work is now being carried on. I have three other installations in hand—one for the Masonic Hall, a private enterprise, and another for a new skating rink in Elizabeth-street, Redfern.

44. *Mr. Frank Smith.*] Have you yourself exercised the powers proposed to be given in this Bill in any other part of the world? No; not myself. I may as well state that this Bill is almost a *fac-simile* of the Electric Lighting Bill under which licenses are granted by the Board of Trade in England. The only point of difference is that we do not specify any term of years during which we ask to carry out this work. It is merely a continuation similar to the power the gas companies have.

45. Is that Act in operation at Home now? Yes; the Board of Trade in England—of course, there is no such institution in this country—exercises the sole power of granting licenses to corporations, private individuals, or public companies, under the terms of and for the period specified in the Amending Act brought in by Lord Wolverton in 1884. Prior to that the license was only available for five years, and, consequently, this provision retarded electric lighting to a considerable extent; for this reason, that any one erecting a plant, and spending, as he must necessarily do, from £25,000 to £30,000 upon it (and this would only be a plant for 3,000 or 4,000 lights.) I say that before any private individuals or any company could obtain any return from their outlay the corporation, under that Act, could compel them to sell the plant. The Amending Act, however, fixes fourteen years from the time of the completion of the works during which the company, or whoever held the license, would have the sole right to sell and supply the electric light to private consumers and to persons using it for the purpose of obtaining power. It is left optional with the Council to purchase the plant at the expiration of fourteen years, the value to be fixed by arbitration or otherwise.

46. *Mr. Barbour.*] Is there a clause in this Bill to that effect? No; it was left out on the assumption that the local authorities would not care to take over the work.

47. Would you be willing to have a clause inserted in the Bill to that effect? I should be perfectly willing to have a purchasing clause placed in the Bill on fair and legitimate terms. If this Bill goes through it simply amounts to this, that we are at the present time prepared to spend from £50,000 to £100,000 in erecting this plant.

48. This general plant for the supply of electricity to the people of Sydney? Yes; we have already got a piece of land in Kent-street, on which we intend to place large works, and we intend to spend from £50,000 to £100,000. Then the concern will be turned into a limited liability company. But prior to that the whole arrangements will be carried on by my co-promoter, until the central station is erected and the thing completed. We are prepared to give any reasonable guarantee that we are in a position to carry out this work. We can also give a bond to the Government and satisfy them not only that we have the money, but are in a position to carry the entire work out.

49. *Mr. Frank Smith.*] Clause 12 of the Bill provides that compensation shall be given for damages; but there appears to be no security on the part of the promoters? There will always be security so far as compensation is concerned; because, if we are in a position to put down the plant, there must be some security?

50. Suppose that damage arises at a time when there is nothing but the plant there, would the plant be of sufficient value by itself? The plant alone, exclusive of the buildings, will cost about £40,000.

51. *Chairman.*] The value of the land, I suppose, is also considerable? For the land we have paid about £11,000, and, if this Bill goes through Parliament, we intend to erect upon it a building which will cost us another £12,000?

52. *Mr. Barbour.*] You say that the land is in Kent-street? Yes.

53. Convenient to the centre of the city? It is in a central position, either as regards the Balmain side or the Sydney side. So far as the Corporation are concerned we ask for no special powers; we merely do it mutually with them; we place ourselves under penalties in the event of our injuring their streets, or we give them the option that, in the event of their making any damage good, they may take proper remedy against us.

54. Have you communicated with the Corporation on the subject? The Mayor and all the Aldermen have received a copy of this Bill, and have had it for some considerable time.

55. Have you had any correspondence with the Corporation relative to the matter? We have had no correspondence with them at all. I account for this by the fact that the squabbles going on in the Council have taken up the time, and I believe that this matter will be brought before the Council shortly. I know that several Aldermen, to whom I have spoken, not in their public capacity, but privately, are in favour of the Bill. I may say that, as a matter of fact, all arrangements are made, and, should this Bill go through, the plant will be immediately put down. The Board of Directors are already appointed, and the chairman is one of the Aldermen of the city. The capital of the Company will be, I believe, about £500,000. Our solicitor some time ago wrote to the Municipal Council on the matter. The Town Clerk wrote for a copy of the Bill for each Alderman, and these were posted, but we have heard nothing further from the Council.

56. *Chairman.*] Have you heard no objection raised? None whatever.

57. From any of the Municipal bodies? No. So far as the Municipal bodies are concerned, we know that all the Councils outside the city of Sydney are only too anxious that the thing should be adopted for their own interest; because, although virtually speaking it is a central station, which we propose erecting for Sydney alone, and will not supply the suburbs, yet we shall be in a position to extend small central stations to any suburb, and shall be prepared to give the municipality of such suburb the option of purchasing under reasonable conditions.

58. *Mr. Barbour.*] What would be the price of the electric light as compared with the price of gas? At the present time we consider that the cost would be two thirds of that of gas. I have here a paper giving the current prices at which gas is supplied to consumers at several installations. In Bradford, England, there is a private installation of some 2,000 candle-power arc lamps, and I believe, from 800 to 1,500 incandescent 16 candle-power lamps. The 2,000 candle-power arc lamps are supplied at the rate of £1 a month, which would be £12 a year. With regard to the incandescent lamps, consumers who wish to make a contract with the Company can have them supplied at the rate of 4s. per lamp. Should we start our operations, we propose to give the consumers the benefit of burning their electricity either through meters, or we will make a contract with them, whichever they deem best. At present we are in a position to measure the electricity in exactly the same way that gas is measured—through meters. 59.

59. *Chairman.*] You intend to construct cables underground? Yes; all underground, in a proper sub-way.
 60. And every precaution will be taken that they do not come into contact with Government wires already constructed? The Phoenix rules will settle all questions as to that, because no wire can be taken within a distance of 6 feet on either side of any wire already constructed; but all our wires will be put down in a proper sub-way—each wire separate from the other. We do this for our own security, to provide against loss of current. I may say on this point that clause 24 of this Bill, with regard to the protection of the Postmaster-General, is taken entirely from the English Act. This protects the Postmaster-General and gives him full powers to make alterations should he think them necessary; and a penalty of £50 is imposed for every day that any interruption to the Government cables continues.

G. K.
Kirkland,
Esq.
28 Mar., 1888.

61. *Mr. Barbour.*] Do you wish to say any more with reference to this Bill? Nothing more, except that so far as the financial part of the matter is concerned, we are prepared to give any guarantee that may be thought necessary as to our position and our ability to carry out the work. So far as compensation for damages is concerned, we shall be willing to deposit it in the Treasury, a certain amount to provide against that until the completion of the works.

Henry Pain, Esq., called in, sworn, and examined:—

62. *Mr. Levy.*] What are you? I am a partner in the firm of Holdsworth & Company, ironmongers, Sydney.

H. Pain,
Esq.
28 Mar., 1888.

63. What experience have you had with regard to the distribution of electricity for lighting and motive-power purposes? I have had no direct experience in that way.

64. Have you seen installations at home? No.

65. Do you think that the supply of electricity to the citizens of Sydney, and particularly to tradespeople would be a public benefit? Yes, very much so.

66. Should this project be carried out, would your firm be likely to avail itself of the system? I should think very likely.

67. Have you had any experience of any installations in Sydney? No.

68. You have seen the Bill; do you think the scheme is practicable, and can be carried out; do you think it would be a benefit to Sydney generally? I think it would be a great benefit, and no insuperable obstacles presented themselves to my mind when reading the Bill through.

69. Do you think the idea would generally be approved of by the citizens? I think that when the citizens come to know the real value and convenience of it they will avail themselves of its advantages.

70. *Mr. Frank Smith.*] Have you any knowledge of the successful operation in any part of the world of the powers proposed to be given by this Bill? No.

71. *Chairman.*] Are your premises lit by electricity? No. The premises of my next door neighbour are lit by electricity.

72. Have you heard any expressions from them as to whether they are satisfied with it or not? No, not from them directly; but indirectly I am aware that they are satisfied with it. I have heard many expressions from people who dine there and otherwise use the house in favour of the electric light. So far as we are concerned, one of the advantages we should derive from electric lighting would be the power of lighting the window. With our goods we cannot put gas into the window, because it destroys them, and, like many other shopkeepers, we are reduced to the necessity of lighting the window by means of reflectors from outside, which are only a make-shift. If we could get electricity we could use it in this way very beneficially. There is another point that occurred to me when reading this Bill, namely, that the use of electric light in dwelling houses would remove one great objection which exists in the case of gas. I refer to the destruction of pictures and picture hangings. We know what the brass wire with which pictures are hung rots on the nail, and in time the picture falls down if it is not watched. Then again, so far as I have observed, there are conveniences of adaptation in favour of the electric light. You can put an electric light exactly where you want it, but you cannot always put gas light where you want it.

73. And do you consider in a hot climate like this it would be a great advantage if people could have their dwellings lit by electricity? I should say so decidedly. I do not see that electricity would destroy the use of gas, because we want gas still for cooking.

74. Which do you consider the most dangerous light, electricity or gas? I do not know that I could answer that question, as I possess so little technical knowledge.

William Douglas Bear, Esq., called in, sworn, and examined:—

75. *Mr. Levy.*] What are you? I am Superintendent of Fire Brigades for New South Wales.

W. D. Bear,
Esq.
28 Mar., 1888.

76. I believe you have had some experience in regard to central electric lighting stations in London, and the lighting of theatres by electricity? I have had experience with regard to the lighting of theatres, but not at the head station.

77. Will you state to the Committee your experience with regard to the safety of the electric light, and its other advantages or disadvantages? So far as I can see electric lighting is carried out on very safe principles in London and elsewhere. Mostly we have to trust to people who are very fond of leaving their machines and overrunning them sometimes, say in the case of the Parliamentary buildings, or in the case of the Savoy Theatre in London. No danger can arise, except that which may occur from a man leaving his machine to overrun, and so loading the wires.

78. Do you think there is more danger attached to electric light than to gas? I should say that the electric light was the safer, as long as it does not run through the streets on poles. I think there is a latent danger in cables being run through the streets in case of accident, because in America several people have been killed by such accidents. This have resulted from overhead wires.

79. *Mr. Barbour.*] Will you give the Committee a little more explanation of the dangers likely to arise from the wires being overhead? The danger arises simply because they are very apt to make short circuits. They get worn by the weather, and the current goes on to the telegraph lines. In America several lives have been lost through people coming into contact with the naked wires, and several lives have been lost there by the lines being suddenly cut or broken, and people coming into contact with them. This is the danger which has been experienced in America from these wires running overhead.

- W. D. Bear, Esq.
28 Mar., 1888.
80. *Mr. Levy.*] Do you know the extent of the electro-motive force used there? I do not.
81. Would it be a thousand volts, or less? I should not think it would be less
82. *Mr. Barbour.*] Would the dangers you have referred to be likely to arise if the electric wires were laid under ground? No.
83. You think it would be better then that these wires should be underground than that they should be stretched on poles? I think they should be laid underground. I do not think they should be laid overhead at all.
84. *Chairman.*] You consider that it should be compulsory that they should be laid underground? Yes.
85. *Mr. Barbour.*] Have the accidents which have occurred been numerous, or have they occurred only occasionally? Only occasionally; but they have lost a great many lives by electricity in America. The lives of several firemen have been lost in America when engaged in putting out fires. A man cuts an electric wire to get a ladder up to the window of a burning house, and on coming into contact with the naked wire is killed on the spot.
86. Is there a probability of more fires occurring from electricity than from gas? Fewer fires would occur, I think.
87. In that respect, then, electricity would be safer than gas? Yes. I must qualify this a little. I do not think that in our public buildings we should entirely trust to the electric light. I think it should be combined with either gas or lamps. There should be two or three different lights in a theatre, so that in the event of one failing, the other could be used in case of a panic.
88. You do not know any serious objection to the system of lighting by electricity? None whatever.
89. Have you any knowledge of the use of electricity as a motive-power? I have seen it used as a motive-power for small motors at home. At Simmon's, for instance, they have a motor; but electricity was not used very extensively for this purpose when I left London, which is now nearly three years and nine months ago.
90. Do you know of any objection to the application of electricity by a company for the public use? No; I should say none.
91. And you think the light would be a good description of light, equal to or better than gas? Well, of course if it is steady, it would be better than gas.
92. *Mr. Levy.*] And less dangerous? Oh, yes; less dangerous.

William Platts, Esq., called in, sworn, and examined:—

- W. Platts, Esq.
28 Mar., 1888.
93. *Mr. Levy.*] What are you? I am a mechanical engineer, representing Marshall, Sons, & Company of Gainsborough, England.
94. Will you tell the Committee what experience you have had in central lighting stations at home? An engineer is not necessarily an electrician, and I can only speak of electric lighting from an engineer's point of view. I have had considerable experience in laying down steam-engines and other electric lighting plant for driving dynamos to produce electricity for lighting purposes in large cities and at Home. For instance, there is the Kensington Court installation, consisting of 5,000 lamps, also the installation at Grosvenor Gallery, which lights the streets and private houses as well as public clubs or buildings in the neighbourhood. At the Vienna Exhibition there is also an installation of 7,000 lamps.
95. Is that lit up by your Company? Partly. We have supplied some engines, and are putting down new boilers. This is a representation of the electric light installation at the late Liverpool Exhibition, which will give the Committee some idea of what the central plant will be in Sydney, though I do not suppose that the latter will be as large. We also lit up the Edinburgh Exhibition; there were 2,500 lights there.
96. From your experience at Home and in other places do you think that if a central station were established here for electric lighting purposes it would be successful, and would be a benefit to the public? Yes, most decidedly. I should think it would be a great benefit, because there are advantages in favour of electric lighting here which do not exist at Home. There is little or no heat thrown from the lights, which is a great consideration in a hot country like this.
97. Have you known during your experience any fatal accidents to have occurred from the use of the electric light? I have known of one instance, in which one of our workmen was killed, but it was through his own carelessness. It was when we were engaged in putting down the electric light at the Liverpool-street Station, London. This was about six or seven years ago, before the wires were insulated. The man slipped from a ladder and caught hold of a wire to save himself. He caught the wire by both hands. If he had only caught it by one hand he would not have been hurt. At the present time, however, all these wires are heavily insulated, so that if you catch hold of any of them you experience no injury.
98. I believe that the wires connected with the central station of the Grosvenor Gallery are underground? Yes, and in sub-ways.
99. Have you ever known any accident to occur where the wires have been insulated? No, never. The accident I have mentioned is the only one I have ever known.
100. Can you give us any opinion as to whether the cost of the electric light at Home is less or greater than the cost of gas? Decidedly less. The cost would be still less out here, where you pay 6s. 6d. and sometimes 12s. 6d. a thousand for gas, as against 2s. 6d. in the old country.
101. *Mr. Barbour.*] Taking 6s. 6d. as the price of gas, how much less would the price of electricity be? I could not say positively. Perhaps 25 per cent. less.
102. *Mr. Levy.*] You mean 25 per cent. less than the price of gas at Home, namely, 2s. 6d. a thousand? Yes.
103. *Mr. Barbour.*] That would be one half of what is paid at present for gas here? Yes; it is about a half less. Of course out here you pay much more for labour than is paid at Home. Here again there is a saving by the use of electric light, because the amount of labour employed in the production of gas is considerably greater than that employed for the production of electric light.
104. *Mr. Frank Smith.*] Are the insulation wires laid by you always tested by an authority in the various places where you lay them? They have to be manufactured under stringent laws passed by the Board of Trade.
105. *Mr. Barbour.*] From your experience of different methods of lighting, you believe that the electric light will compare favourably with any other light known at present? Most decidedly so.

106. Do you think it will be one of the principal lights in the future? Undoubtedly, I think so.
107. And that it is quite as safe as, or safer, than gas? Yes.
108. There is less heat, and altogether you think it is a better light than gas? Yes; and it consumes no air, that is another great advantage.
109. Can it be easier applied as a motive power than gas can? Yes.
110. It can be used for driving small machines? Yes. If you go to the exhibition now being held in Sydney you will see a small installation driving some sewing-machines.
111. And if this Company were allowed to erect extensive works so as to be able to supply power and lighting to the city in large quantity, do you think it would be a great advantage to the city? Most decidedly.
112. *Mr. Levy.*] Will you explain in what respect the electric light is safer than the gas as far as manipulation is concerned? The incandescent or glow lamp will not burn in the air, and has to be enclosed; and directly the globe is broken and the least particle of air gets into the lamp it goes out, and in this way there is absolutely no danger of fire. Then, again, a great advantage of the incandescent system is that no matches are required. Besides the increased safety thus given great convenience results. When you get home of an evening; and enter your room in the dark, all you have to do is to touch the button; and the lamps are lit. In the case of gas, you have first of all to find the matches, which, very often under such circumstances; are not where you expect them to be. In this respect the electric light is much safer in regard to accidents from fire.
113. *Mr. Barbour.*] It was stated in the papers the other day that electricity set fire to a house on the coast—would there be any chance of the electricity supplied by this company setting fire to anything? I should not think so. I do not see how the house could have been set on fire by electricity. If a house is consumed by lightning the destruction is instantaneous, and the fire would not be the result of a gradual process of combustion.
114. Such a fire would not be likely to occur from the application of electricity by this Company? No.

W. Platts,
Esq.
28 Mar., 1888.

THURSDAY, 12 APRIL, 1888.

Present:—

MR. DAY, | MR. FRANK SMITH.
H. H. BROWN, ESQ., IN THE CHAIR.

A. E. Hemsley, Esq., appeared as Solicitor for the Bill.

Alexander Edmund Hemsley, Esq., sworn and examined:—

115. *Chairman.*] You are solicitor for the Bill? I am.

116. Will you state to the Committee whether, on behalf of the promoters of the Bill, you have communicated with the City Council of Sydney on the subject of the proposed introduction of electric lighting? Yes. On the 29th March, my firm addressed the following letter to the Mayor and Aldermen of the City of Sydney:—

A. E.
Hemsley, Esq.
12 April, 1888.

Re the Sydney and Suburban Electric Lighting Act.

Gentlemen,

We have been directed by the Chairman of the Select Committee, appointed by the Legislative Assembly to inquire into the propriety of and to report upon the above-mentioned Act, to forward you herewith six copies of the proposed Bill presented by Messrs. Henry Taylor and George Kerry Kirkland, and to call your attention thereto.

At the same time the Chairman of the Committee will be glad to learn, at your earliest convenience, your views on the matter, and whether you propose to examine any witnesses thereon, in which case he will feel obliged by your furnishing him with the names and addresses of such witnesses, in order that he may issue the necessary summonses for their attendance to give their evidence before the Select Committee, the further inquiry into the matter having been adjourned until Thursday, the 5th proximo, at half-past 10 o'clock.

Please address your reply to the Chairman, No. 2 Committee Room, Legislative Assembly, Macquarie-street.

117. Did you receive any reply to that letter? None whatever.

George Kerry Kirkland, Esq., recalled and further examined:—

118. *Mr. Hemsley.*] I believe you desire to supplement the evidence you gave on a former occasion. Will you give the Committee the information you wish to afford? In my evidence on the last occasion I omitted to state that plans would be kept for inspection of all mains; that tests would daily be made, and a record kept of all plant and instruments, for the inspection of Government or Corporation officials. All cables used will stand an insulation test of 500 megohms. The Company will be prepared to furnish a guarantee against damage to private interests, and, for this purpose, to deposit a sum of money in any bank appointed by the Government. This refers to any damage which might arise during the execution of the works.

G. K.
Kirkland Esq.
12 April, 1888.

119. *Mr. Frank Smith.*] Do you intend to insert an additional clause in the Bill with regard to the plans? Yes; and also the provision with regard to daily tests, which is important, as any person appointed by the Government or the Corporation can see and use the instruments for making these tests. During my last examination before the Committee I was asked to define what amount of pressure was allowed, and the standard for the current as used at Home. The standard now used at Home is 1,000 volt-ampères, or equal to a pressure of 10 ampères under an electro-motive force of 100 volts per hour. That is the standard which the Board of Trade allows at Home, and the restrictions are made so that no current shall exceed 200 ampères.

120. *Mr. Day.*] Are the promoters of this Bill prepared to pay a reasonable amount into the Treasury for the purpose of compensating private persons for damage that may be done through the working of the electric light? Certainly.

121. Have you considered what the amount would be? That was left open, so that we might meet the views of the Committee.

122.

G. H.
Kirkland,
Esq.
12 April, 1888.

122. In the event of this amount being expended a like sum would be again deposited? Just so.
123. And in the event of any portion of the amount being expended such portion would be replaced by the Company; supposing that £5,000 or £10,000 was the amount deposited, and of this £1,000 was taken out to pay compensation for damage done, would the Company pay in another £1,000 to make up for this amount? I do not think we should do that, for this reason. If there was any damage done it would be when the plant was in course of erection, and the guarantee would of course only apply during the period that the works were in process of execution.
124. But is there no fear of damage after the Company is in working order? None at all.
125. Is there no danger from fire? None whatever. The Superintendent of Fire Brigades stated in his evidence that electricity is safer than gas. Whatever system we adopt will be a continuous current system, and so far as fire is concerned a current will only be established equal to (say) 150 volts, of course with a sufficient electric power to supply the number of lamps we have. Fire cannot possibly take place, because each main is regulated by what is called a safety fuse, and should the mains become overcharged, or the machinery in the engine-room refuse to act, the fuse would melt, and thus prevent any damage being done.
126. What casing will be put round the wires in the streets? They will all be underground, in a proper sub-way.
127. What is the casing? Brick. There will be a kind of brick covering.
128. What are the wires covered with? They are covered with asbestos, then bitumen, and sometimes nigrite, or a compound of india-rubber, gutta-percha, and several other ingredients.
129. Is there any danger of the wires crossing? They could not possibly cross, because they are all carried on proper bearers and carriers. The cables themselves will be almost 3 or 4 inches thick in the main, so that they will be almost as solid as a solid copper rod.
130. Then you think that the use of the electric light in a city like Sydney would not be likely to cause fires? There would be no danger whatever of fires.
131. Have you had any experience of the working of the electric light in commercial buildings or stores? Yes; I am working several installations now. I am at present lighting the Sydney University, where I have a large contract for 340 lamps.
132. Are you aware whether the insurance companies raise the premiums on building supplied with the electric light? No, they do not.
133. They make no difference at all? They make no difference, provided the supply of electric light to the building is carried out according to the rules laid down—the Phoenix rules.
134. And you intend to carry out these Phoenix rules? Certainly, if only for our own safety.
135. Then the insurance companies who undertake the insurance of these large buildings do not raise the premiums on account of the buildings being supplied with electric light? Not in any way; they rather decrease the premiums. I understand that should this enterprise be floated there is a company who would be willing to insure all people who take the electric light at the same rates at which they are insured at present.
136. Then there is no reason to fear that the introduction of the electric light into a commercial building will raise the insurance or be at all dangerous in any way? No; you can take as an instance Her Majesty's Theatre. The insurance on that building is, I believe, lower than if it had been lit with gas alone. There is also the Theatre Royal. The risk in the case of electricity is less, and there is no danger whatever to human life.
137. *Chairman.*] I suppose you are also aware that some of the steam-boats that ply between Sydney and the North are lit by electricity, and that the light is supplied to the cabins? Yes.

William Price, Esq., called in, sworn, and examined:—

- William Price, Esq.
12 April, 1888.
138. *Mr. Hemsley.*] I believe you are a member of the firm of Henry Bull and Company, warehousemen, Pitt-street, Sydney? Yes.
139. You have, I believe, a very large warehouse? Yes; one of the largest in Sydney.
140. And you have been a merchant in Sydney for a number of years? About thirty-five years.
141. Will you kindly give the Committee your general opinion as to whether it would be desirable that an Electric Lighting Bill should be passed, for the purpose of introducing the light, not only into the streets, but where the owners desire it—into private houses? I think a great many advantages would result from the introduction of the electric light into Sydney. In the first place, it seems to me that the light is very much clearer and brighter than gas; and, in the second place, that where it is used the temperature is cooler than is the case with regard to gas.
142. And you are of opinion that it would be desirable to have the electric light both for street lighting, and for warehouses? I should think there would be little doubt about that.
143. Have you seen the light working in Sydney? Yes; I have seen it at the Redfern Railway Station and I have seen it in London at the hotels and various other places.
144. Have you seen it anywhere else? I have seen it on the continent; in fact, I could not tell you where I have not seen it when travelling at Home.
145. I suppose you have also seen it working well on the steamers? I have seen it on steamers, but I could not say of my own knowledge whether it was working well.
146. Have you travelled on steamers where the electric light was used? No; the light was not used on the P. & O. boats when I travelled in them, about four years ago. I have been on board these boats when the electric light has been used.
147. So far as you are personally concerned would you be disposed, if this Bill were passed, to use the electric light in your premises? That is a matter which would require consideration. All things being equal I should prefer the electric light to gas.
148. That is all things being equal as regards the expense? Yes; I should think it would be safer, for one thing; certainly it would be a better light.
149. *Chairman.*] I presume that the electric light would not be so injurious as gas to goods contained in warehouses and large stores? It would be less injurious, I should say, because it does not generate so much heat. There are large houses in London in which the electric light is used. For instance, there is the large retail establishment of Allen, Pierce, & Stone, called the "Waterloo House," near Charing Cross

Cross. They have the whole of their building lit by the electric light. It is one of the leading retail establishments in London, and the goods comprise fabrics and textures of the most sensitive nature. The very fact of such a firm using the electric light in preference to gas would indicate that the former was an improvement.

W. Price,
Esq.
12 April, 1888.

150. *Mr. Frank Smith.*] Can you give us any other instance? I think that the electric light is also used at Swan and Edgar's, at Regent Circus, Piccadilly, another large West End establishment. It is recognized as one of the leading retail establishments in London for first class drapery. I think also that Lewis & Allenby, of Regent-street, use the electric light, but I am not sure. There is hardly a theatre in London that is not lit by electricity. It is a great advantage being of a cooler temperature.

151. Have you ever heard of accidents arising from the use of electric light? Never.

152. *Mr. Day.*] Are you aware whether or not the introduction of the electric light into large warehouses has the effect of increasing the insurance? I do not know. I should rather think it would tend to diminish the insurance.

153. *Mr. Frank Smith.*] If you had the electric light in your large warehouse, I presume that you would also keep the gas in case the other failed? Seeing that we have a gas service already laid, it is probable that we should; but if we were lighting a new building I think we should take the electric light, and not consider it necessary to have the gas as well.

154. You do not think there would be any risk? I do not think so.

155. *Mr. Day.*] Did you ever know an electric light to fail in any large establishment in London? No.

156. Generally speaking, from your experience, you think it would be a good thing for the people of Sydney if the electric light were introduced? I should think there is no doubt about it. It would be a much better light, both for our public streets and our private houses and stores. It would be infinitely better for the lighting of our parks, for instance.

157. *Mr. Hemsley.*] Would not the electric light also be an advantage in enabling persons to distinguish colours after dark? That would hardly apply to warehouses such as ours, where we do not do a large amount of business at night. I believe you could distinguish colours better by the electric light than by gas, because you have a purer light to guide you, but I have no experience of the kind. In this country we have such a bright sky and clear light that the selling after gaslight is a mere bagatelle.

William Gardiner, Esq., called in, sworn, and examined:—

158. *Mr. Hemsley.*] I believe you are head of the firm of William Gardiner & Company, warehousemen, of Sydney and London? Yes.

W. Gardiner,
Esq.
12 April, 1888.

159. You are aware of the object of this Electric Lighting Bill? Yes.

160. Will you tell the Committee what experience you have had in seeing the electric lights in the streets and public buildings? I have not had any direct experience of knowledge of it, but I have seen it very largely used at Home, and I have a knowledge of the principle of the light, inasmuch as a connection of ours is one of the leading electricians of the day—Dr. Harkinson, who supplied the electric light at South Head.

161. Would you give the Committee some information as to your experience of the use of electric light in warehouses and other places in London? It is used very much in London in large spaces, such as railway stations. It is used in fact more in large open spaces than in buildings at the present time. Of course it is used in very many buildings. But it is not so necessary in large establishments at Home as it is out here, where the climate is hot, and where the electric light is, on this account, peculiarly suitable, as the heat from it is very small compared with that from gas. Of course, the light is very good indeed, especially the little yellow lights. I do not care so much about the white ghastly light.

162. Electricity is used in warehouses in London? Yes.

163. Could you mention any large warehouse? I do not know that I could. There is an obstacle to the use of the electric light in large warehouses in London, because, up to the present, they have not a public supply. If there was such a supply the warehouses would connect. In the same way, many warehouses did not have hydraulic-power, but as soon as the public supply was provided they were only too glad to obtain it, and so it would be with the electric light. At present they have not a public supply, but if they had I have no doubt that a great many places would use the electric light.

164. I believe you are the resident partner of your firm in London, and are only out here on a visit? Yes.

165. As a matter of fact you know that notwithstanding that there is no public supply in London electric light is in use in many warehouses there? Yes. At present large consumers have to generate their own electricity, which is an expensive process. Their machinery may break down and give them a great deal of trouble, but if they could draw the electricity from a public main, I have no doubt the electric light would meet with a very large consumption.

166. *Mr. Day.*] Have you seen the electric lighting in full working order in London? Yes, in various places.

167. And each large warehouse provides its own electric power? I believe that is so at present. Possibly two or three may club together and form one installation, but so far as I know there is no general supply. I believe that in some parts of London, the corporation has a supply.

168. But there is no syndicate or company? I do not think so.

169. The supply of electricity by individuals is of course much more expensive than would be the case if there was a general system? Yes. If there was a general supply the light would be much cheaper and more certain. It is the same with gas; if you have to make your own gas it becomes a troublesome and expensive process.

170. If these people in large warehouses in London have already a plentiful supply of gas is there any reason why they should go to this great expense to provide electric lighting? The electric light is so much better, so much purer; gas vitiates the air so much.

171. And they found it to their advantage to go to the expense of introducing the electric light themselves, although they had a plentiful supply of gas? It is done in many places, but warehouses have not done it much. I know of one warehouse that gave it up simply from the uncertainty of the supply. They laid down their engines, but they found that to produce the electricity themselves was too troublesome and too costly. Nearly all warehouses if they could only use a public supply would certainly do so.

- W. Gardiner, Esq.
12 April, 1888.
172. *Mr. Helmsley.*] Then if there was a Company furnishing a public supply, as proposed by this Bill, it would be very advantageous to the people generally? Yes; especially in a climate like this.
173. I believe that your warehouse is one of the largest in Sydney? Yes; I suppose it is as large as any.
174. If a public supply were obtained would you use the electric light? Certainly; if the Company were in existence and we could draw a main from the street we should connect. Electric light is so much safer. You do away with all open lights. There is no poisoning of the air, and very little heat. In the latter respect the light would be an immense boon in a climate like this.
175. *Chairman.*] And is not gas injurious to certain kinds of merchandise? No doubt. Looked at in any way the electric light would be an immense benefit to people here; not only to business people, but to all private residents. You simply press a button, and your room is lighted. There is no necessity for lighting matches, or anything of that sort.
176. *Mr. Day.*] I suppose you could put one of these electric lights in amongst the finest drapery, and it would not catch fire? No, it could not.
177. *Mr. Helmsley.*] If a Company were started do you not think that there would be very little difference between the cost of the light and that of gas? I do not see why it should be more expensive. I believe the experience at Home is that it is not more expensive than gas if it is properly laid. I know that individuals at Home use it, and produce their own electricity. I know one individual at Home who produces electricity for his own private house, and he says it is as cheap as gas.
178. You saw it used in the house? Yes.
179. Was it a pleasant light? It was delightfully pleasant, and there was hardly any heat from it. If individuals can supply the light as cheaply as gas—which, however, I doubt—there is every reason to believe that, produced by a company in large quantities, it could be supplied as cheaply as gas. With regard to the laying of electric wires I would suggest that some arrangement might be made with the Corporation by which sub-ways would be at once laid down for all descriptions of pipes. The sub-way could be constructed about 5 feet high, along which water-pipes, gas-pipes, and electric-pipes might be carried. This would obviate the necessity of having constantly to break up the streets, and in regard to repairs a man could take his lantern, and simply walk along the sub-way and do what was necessary. In the new streets in London this has been done.
180. Assuming that we cannot have these sub-ways, do you think that if an arrangement were come to between the Hydraulic-power Company and this proposed Electric Lighting Company, the one breaking up of the roads could do for both companies, and that the pipes could be laid together? I do not see why it should not be done. I certainly think that if the Corporation would drop all this antagonism, and act with the desire to pull together they might improve the city very much indeed by making a sub-way and having all the pipes together.

Charles Timothy Starkey, Esq., called in, sworn, and examined:—

- C. T. Starkey, Esq.
12 April, 1888.
181. *Mr. Hemsley.*] You are a member of the firm of Starkey & Taylor, chartered accountants, Sydney? Yes.
182. Have you any experience of the way in which the electric light is worked? Yes, a little.
183. Have you seen it working in Sydney? Yes; I have seen it in the streets and in the theatres.
184. Do you think it works well? Yes. I have also seen it working at Home. I have seen it working in shops in London. It has worked very well indeed. I was only reading this morning a paragraph which appeared in the *Sydney Mail* about a week ago as to the deleterious effects of artificial lighting. I noticed that the most deleterious light was the candle light, at which I was rather surprised, and that the least was the electric light.
185. In your opinion is it a desirable thing that the electric light should be introduced into Sydney? I think so.
186. From conversations you have had with various merchants do you know whether it would be likely to be utilized by them? I believe it would be adopted if it could be supplied at a reasonable price.
187. *Mr. Day.*] Do you know whether the electric light in London is supplied by companies, or whether each house has its own machinery? I believe there are companies. It is some years ago since I was at Home, but there were several companies then in existence, and I fancy they paid a royalty.
188. Do they lay mains through the streets, or is machinery used in each house? I could not say.
189. Have you ever heard of any accident caused by the electric light? Only one, and that was seven or eight years ago, when electric lighting was in its infancy. The accident was caused in this way,—The wires had just been laid to some pleasure grounds, and a carpenter walking along a scaffold put out his hands to steady himself, and accidentally touching one of the wires was killed on the spot.
190. The wires were not covered then? No.
191. Such an accident could not happen, I suppose, if the wires were thoroughly insulated? No.
192. Did you ever hear of any accident to the electric light causing damage by fire? No.
193. Did you ever hear of insurance companies raising the rates of insurance in consequence of the use of this light? No.

TUESDAY, 17 APRIL, 1888.

Present:—

MR. DAY,

MR. TEECE,

MR. WITHERS.

H. H. BROWN, ESQ., IN THE CHAIR.

A. E. Hemsley, Esq., appeared as Solicitor for the Bill.

John Arthur, Esq., called in, sworn, and examined:—

- John Arthur, Esq.
17 April, 1888.
194. *Mr. Hemsley.*] You are a member of the firm of Cramsie, Arthur, & Company, general merchants, Kent-street, Sydney? Yes.
195. Have you had any experience in seeing the electric light in different places, in Sydney and Melbourne? Yes; I have had some experience.
196. Have you seen it in the streets? Yes; in the streets, on steamers, and in theatres. 197.

197. What is your opinion with regard to it? My opinion is that it is a very desirable and necessary thing, and I should be very glad to get an opportunity of using it. John Arthur
Esq.
198. Do you find that it is advantageous, for instance, in theatres? Undoubtedly.
199. In what way? The light seemed to me to be better, and the atmosphere purer and cooler, this is of course of great importance in hot weather. 17 April, 1888.
200. I believe that personally you have had experience of the deleterious effects of gas in your own establishment? Yes. Our warehouse in O'Connell-street is badly lighted, and practically we had to leave it. I found the effect upon my eyes, produced by the fumes of gas to be so injurious, that I could not remain there. The same effect was also produced in the case of my clerks.
201. If a general system of lighting were introduced as proposed by this Bill, would you be one of those who would connect it with your establishment? Undoubtedly, that is if the price were not prohibitory.
202. Have you ever heard of an accident resulting from the use of electric light? No.

Francis Bothamley Lark, Esq., called in, sworn, and examined:—

203. *Mr. Hemsley.*] You are the sole resident partner in Sydney of the firm of Lark, Sons, & Company, merchants, Sydney and London? Yes. F. B. Lark,
Esq.
204. You have had some experience, have you not, of the working of the electric light—as regards seeing how it works in different places? I have had no practical experience. 17 April, 1888.
205. You have seen the light? Yes; I have seen it on board ship, in theatres, and in hotels.
206. Have you seen it in warehouses? Yes; I saw it in a warehouse in Manchester.
207. Did it appear to work well—was it a good light? So far as I could judge, a very good light—and when I saw it on board ship, it appeared to work well. During the whole voyage it was only unworkable for about half-an-hour.
208. Did it strike you, in the first place, that the air was cooler? Yes.
209. Have you ever been told by anybody who used the electric light that it was very advantageous in mercantile establishments? No; I do not know that I have had any conversations particularly on the subject.
210. If a general system of electric lighting were introduced into the city, would you yourself adopt it for your own premises? Provided it were not too expensive, we should adopt it—and if it could be supplied in a similar manner to gas—that is, by meter—or in such a way that we would not have to pay for our neighbours.
211. And you have no doubt that it would be much healthier? Undoubtedly.
212. Have you ever heard of any accident arising from the electric light? No.
213. *Mr. Day.*] Have you ever seen it in the streets? Yes; I have seen the brush light in the streets and at the Circular Quay, in theatres, and at the Sydney Railway Station.
214. What is your opinion as to the working of the light at the Railway Station? I can only say—as a railway traveller—that it gives a very good light there, a light superior to that of gas.
215. Then it works well in the open air as well as indoors? Apparently.
216. It can be utilized in any way? I should say so.
217. Do you know whether it is safer than gas as regards fire? I have never heard of any great danger from the electric light—I have always looked upon it as being safer. That is one reason why I should like to see something of the kind established, so that we could adopt it in our own warehouse—where we burn gas for many hours in the daytime. It would be far better, I think, if we had the electric light.
218. *Mr. Hemsley.*] I presume that gas has not a very good effect on some goods? I do not know that it is a particularly deleterious light. Of course it is of a smoky nature.
219. You cannot distinguish colours well where you are obliged to use gas? No; greens and blues are always difficult to distinguish where there is an artificial light, but we do not use it for that purpose.
220. But there must be cases where they do; and this difficulty would be got rid of at once by the use of the electric light, I imagine? I could not say whether or not you could match colours by the use of the electric light better than by gas. You could match colours better certainly, but I should prefer daylight for anything of that kind.
221. *Mr. Day.*] Do you think it would be to the advantage of the people of Sydney that the electric light should be introduced here? I think that it would be to the advantage of the people generally, in so far that they would get a better light, that is, provided the expense is not too great. I think the expense is a matter which has a great deal to do with it.
222. How far have you travelled on board ship where the electric light was used? To England and back.
223. And did it work very well? It worked all the way from England, and gave satisfaction all the time. I heard no complaints; I am not sure that the light was used on the voyage to England. As I mentioned before, there was only one hour on the voyage from England during which it was not working.
224. Are you aware whether the use of the electric light would induce insurance companies to raise their premiums? I am not aware; I should fancy myself that the effect would be rather to reduce the rates, but I have not made any inquiries on the subject.
225. *Chairman.*] You do not consider that there would be very much risk? I should think not. If the wires are properly protected I should say there is no danger.
226. And in private houses you consider it would be preferable to use the electric light in a climate like ours? I should adopt it in my own house if I could get it.

William Samuel Foxall, Esq., called in, sworn, and examined:—

227. *Mr. Hemsley.*] You are a member of the firm of Wickham and Martin, importers, Clarence-street, Sydney? Yes. W. S. Foxall,
Esq.
228. You have had some experience with regard to electric light? I have seen it in connection with various offices, also at the Railway Station, and in the mail boats. 17 April, 1888.
229. Have you seen it in warehouses and offices? Yes; but more particularly in connection with the railway station at Redfern.
230. Have you seen it in Melbourne? Yes.
231. Have you seen it in any warehouses there? No; I saw it used in Melbourne for street lighting in October last. 232.

- W. S. Foxall, Esq. 232. Did it work well? It seemed to work very well indeed.
 233. *Chairman.*] Do you think it an improvement on gas? Decidedly.
 17 April, 1888. 234. *Mr. Hemsley.*] If there was a general system of electric lighting would your firm be disposed to connect it with their establishment? Yes; we should not be large consumers, but in our particular business it would be a great advantage. We suffer somewhat from the effect of gas now. Our class of goods have to be lowered to the floor, because above a certain height the heat from the gas injures them. I do not understand electricity, but I know that it is a cooler light. When in the retail business at Goulburn for a good many years I lost considerably by the effect of gas, which perished elastic, for instance. In fact, the introduction of gas there some years ago was almost a disadvantage rather than an advantage, so far as stocks were concerned.
 235. In your opinion the electric light would be advantageous to the public generally? I think so. I think it would be a great improvement to the city generally, and I have often expressed myself in that way. I notice with some pleasure that they have an electric light facing the Redfern Railway Station, at the top of George-street. I observed it last night particularly, and it seemed to throw a remarkably good light.
 236. *Mr. Day.*] Was the electric light used generally in Melbourne for street lighting? Not generally; but it was used at several of the more prominent corners where they required a better light.
 237. Do you know whether it was produced there by the Corporation or by a private Company? I do not know.
 238. You do not know whether or not it is laid down in the streets of Melbourne? I could not say.

Edward Lloyd Jones, Esq., called in, sworn, and examined:—

- E. L. Jones, Esq. 239. *Mr. Hemsley.*] You are a member of the firm of David Jones & Company, George-street? Yes.
 17 April, 1888. 240. I believe you have had some experience in the way the electric light is worked? I have not had any practical experience, but I have seen it in the old country, more particularly in London, and with respect to its advantages over gas I may say that, in regard to health, when visiting some of the large soft-goods warehouses in London, and particularly Whitely's, where they have the basement lit by electricity.
 241. How many hands do they employ? 3,000. They employ a great many of these hands in the basement, which had previously been lit by gas. At the time of my visit the electric light had been in use for twelve or eighteen months. The manager informed me that they were well satisfied with the use of electricity, that prior to its introduction there had been numerous complaints of the unhealthiness of the basements; that their assistants were continually taking ill, and that the parents of the younger employes complained that their children were affected by the condition of the atmosphere. But after the introduction of electricity the firm found very satisfactory results, and, in fact, had few or no complaints. I suppose that in the room into which I went there must have been 200 or 300 employes engaged in making up country orders on the basement, which was lit throughout with electricity.
 242. Have you seen any street-lighting? I have seen several large arc lights, but I have been speaking of the incandescent lights.
 243. Then it is your opinion that it would be advantageous to the people generally if the electric light were introduced here? On the ground of health, decidedly so.
 244. And on the ground of light? Yes. I did not think of inquiring when in London as to the effect of the electric light upon colours, as to whether delicate shades could be more easily detected than under gas.
 245. You would think it probable that delicate shades would be more easily distinguished under electric light? I should think so, but I do not know from experience.
 246. As a matter of fact, I believe you cannot detect delicate colours under gas? No; there is great difficulty.
 247. Supposing the question of expense were satisfactorily settled, would you be disposed to establish the electric light in your building? Yes, decidedly.
 248. If there was a general system of electric light? Yes; we are strongly in favour of it. Had it not been for the expense of erecting our own dynamo, engines, and all that sort of thing, if there had been a central depôt for the manufacture of electricity, and it could have been supplied without having to purchase and introduce machinery ourselves on the premises, we should certainly have taken it.
 249. You have only been prevented from doing so in consequence of there being no general system? Yes.
 250. *Mr. Withers.*] As you are so largely interested in the effect of the electric light upon delicate shades of colour, would you be prepared to introduce the electric light into your establishment without first satisfying yourself that there is not likely to be any great difference in this respect? I do not think that would prevent us.
 251. In your case you close of an evening? We do not use very much gas.
 252. Taking the retail shop, do you apprehend there will be any great difference in the effect upon colour? No, I do not. I should have been almost certain to have heard of it if it had been. In the large establishments in London, such as Whitely's and others, I never heard any objection raised against the electric light, on this or any other ground.
 253. *Mr. Hemsley.*] In fact, a proof is afforded that these large establishments consider the electric light superior to gas by the fact of their having substituted it for gas? Exactly.
 254. And the use of the electric light in these large drapery establishments in London should be sufficient proof that there is not likely to be any disadvantage in regard to distinguishing colour? Yes. We are prepared to have it introduced into our premises, providing the cost is not too great, and take any risk there may be as to its effect upon shading and colour.
 255. *Chairman.*] In regard to risk of fire, do you consider the electric light more or less dangerous than gas? I think it is less dangerous.
 256. *Mr. Hemsley.*] Have you ever heard whether the use of electricity has affected the price of insurance—whether insurance has been raised? I have never heard of its having been raised.
 257. And you think it probable that it would not be raised? I think so, but I have never tested the question. With respect to goods of a delicate nature, they would suffer less under electricity than under gas.

gas. There would be no smoke, and consequently no discoloration, as is the case with gas. I may say, on behalf of my own firm, that we are strongly in favour of the introduction of electricity, and should hail it as a great boon. We have occasionally late hours, when we are getting out our quarterly or half-yearly patterns.

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258. *Mr. Withers.*] I suppose in some buildings, not so modern as yours, it is necessary, owing to their construction, to burn a light in some parts all day? Yes, in the basements.

259. In some of the old buildings they have to burn gas all day? Yes.

260. In such cases the electric light would be a special boon? Yes; it would improve the health of the persons employed there very much. On that ground I think it would be very desirable.

261. *Mr. Day.*] Where electric light is adopted there is no necessity to use matches? No; that would be one great risk done away with.

262. *Chairman.*] Do you think the light would be a great advantage in private houses? I think so.

263. *Mr. Day.*] How is the light produced in London, by a company or by private individuals? It is six years since I was in London, and I think then the consumers all had their own machinery. That was the difficulty. It would have been much more largely used if it had been supplied by a company.

264. I presume that the light would be more expensive supplied by individuals themselves than if there was a general system? So I understood.

Benjamin Backhouse, Esq., called in, sworn and examined:—

265. *Mr. Hemsley.*] I believe you are an architect, and also Chairman of the City Improvement Board? B. Backhouse,
Esq.

266. You have, I believe, recently returned from a visit to Europe? I have.

267. Would you kindly tell the Committee, in a general way, what you think of the electric light as seen by you in the old country, and whether it would be advantageous to the people here to have it either in the streets or in the warehouses? I may say at once that I think it would be an immense advantage, not only in the streets, but also in private dwellings and warehouses. I saw it in operation in various places in London; for instance, at the Charing Cross Railway Station, where there are many thousands of lights constantly going. Although, unfortunately, I had not the opportunity to investigate the matter as I intended, yet, hearing that at Leamington there was a house-to-house lighting by electricity, I wrote to the Town Clerk of that city, who sent me a printed paper [*Appendix B*] giving a description of what had occurred at the installation of the light, and I believe that subsequently matters went on very satisfactorily. It seems that at Leamington the light is supplied at a central station to distances of two, three, four, and six miles, and possibly further if necessary, and that the most beneficial results have followed. One of the advantages which attaches to the use of the electric light is the fact that the consumption of oxygen is entirely obviated. There are many other advantages, such as cleanliness and the instantaneous lighting and putting out of the light. In a city this latter is a most important thing. In some parts of London great inconvenience is caused by the fact that the lamplighters have large circuits, and in some places the lamps are lit too early, and in others too late. The same thing obtains in Sydney. Then again, what a comfort it would be to us if on some dark afternoon—and this is especially the case in London when fogs come on—the place could be lighted up instantaneously. When I was last in London there was an intense fog. I started from Victoria station, an underground railway station, to see if I could find my way to the central station, and a fog coming on suddenly I had the greatest difficulty to find my way. The light is also an advantage in regard to coolness. Then again, as the light is enclosed in hermetically-sealed globes, the escape of injurious gases is impossible. On this account the light would be safer than gas. I believe it is proved in practice that in the case of inflammable material, if the glass globe breaks the light becomes instantaneously extinguished without the material catching fire. The insurance companies are waking up to this fact, and beginning to encourage the light a great deal. Like everything new, its merits are slow of obtaining recognition, but there is no doubt the insurance companies are now alive to the advantages of the light, and the time is close at hand when they will reduce the cost of insurance on buildings lighted with electricity. I know that it is a common idea that in the event of a house being burnt down the whole town would be deprived of electric lighting for the time being, and would be plunged in a state of darkness. I believe this is entirely overcome both at Eastborne and Leamington by the use of a fuse at the entrance to each house, so that when a certain amount of heat takes place within the house itself and reaches this connection it is fused, and the connection is cut off entirely. That, I believe, has been successfully demonstrated in practice. Then the beauty of the light is another point in its favour. I have seen some rooms in London lighted up in the most artistic manner with imitations of flowers suspended in various parts of the room, having a most elegant and charming effect.

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268. On the point of safety, do you think it is possible that if by any chance the wire became uncovered the effect would be that the Post Office, for instance, would be likely to be burnt down. Have you heard of such a thing, and would you think it possible? I have not heard of such a thing, and I do not think any such result would be possible. If I had time to read up a little more on the matter I think I could show that that would be impossible. Twenty or thirty years ago possibly some serious accidents might have occurred, through what is termed a high tension current, but now a low tension current is introduced into private houses and places where electricity is used generally, and there is no danger, and the wires may be touched with impunity. In England there are not more than three or four towns where there is a house-to-house lighting by electricity, so that the electric light is quite in its infancy. Eastborne, I believe, has been lighted with electricity for about five years, so that there they have had considerable experience in the matter, and the supply of the light has been extended from time to time with beneficial results.

269. I mentioned the Post Office because I have heard that such a thing was likely to happen. Suppose, for the sake of argument, there had been any accident in connection with any part of the wires, I believe you say it is connected at the various houses by fuses, so that if an accident happened the Post Office would be as a matter of fact immediately shut off? Quite so.

270. Therefore it could not be burnt down in the way suggested? It could not possibly be. The light has got a long way beyond that stage.

271. Are you aware whether or not the electric light in Leamington is supplied by a company? It is supplied by a company—I think the Midland Brush Electric Light and Power Company. 272.

- B. Backhouse, Esq.**
17 April, 1888.
272. *Mr. Day.*] Have you heard whether any accident has occurred in Leamington in connection with the electric light? I heard of no accidents. During the whole of my inquiries throughout England, where the electric light is used extensively on private premises, I did not hear of an accident having occurred recently. The installation at Leamington was opened about the middle of last year.
273. And in Eastbourne, where you say the light has been in use for five years, did you ever hear of any accident resulting from it? No; I heard of nothing wrong in connection with it. I did not see it myself in working order either at Eastbourne or at Leamington, but I wrote and got full particulars.
274. *Mr. Hemsley.*] In your position as Chairman of the City Improvement Board, do you think the light would be desirable, generally speaking? I think it would be very desirable. Even if it were double the price of gas I think it would be very desirable, especially in this hot climate. I was at work the other night at the Improvement Board, and really, the gas turned me out. I had to leave the room; it was insufferable. It seems to me that the electric light would be worth three times the price of gas, and I should pay three times as much for it if I could afford it.
275. *Mr. Withers.*] Do you know whether the light supplied by this Company is the same as the light at the Arcade? I cannot say.
276. There is a portion of the machinery at the Arcade which, if a man touches he is killed instantly. I should like to know how far a similar danger would exist in the case of light proposed to be supplied by this Company? I have it from the best authorities in England, that in actual experience there is no danger if the light is introduced in the manner adopted at Leamington and Eastbourne.

Edward Charles Cracknell, Esq., called in, sworn, and examined:—

- E. C. Cracknell, Esq.**
17 April, 1888.
277. *Mr. Hemsley.*] I believe you are Superintendent of Telegraphs? Yes.
278. Have you read the Bill before the Committee? No; I have not had an opportunity of reading it. I have just received a copy for the first time.
279. Would you kindly tell the Committee what is your opinion as to the desirability of introducing a scheme of incandescent electric lighting in Sydney? I think it very desirable that a thorough system of electric lighting of some kind, arc or incandescent, should be adopted as early as possible.
280. Both for street lighting, and for house-to-house and warehouse lighting? For all kinds of lighting. Perhaps it would be preferable to light the streets on the arc system, but the incandescent electric light would certainly be an advantage for all indoor lighting.
281. Being much cooler? Very much cooler than gas.
282. And more healthy? More healthy.
283. And less dangerous? And less dangerous.
284. *Mr. Day.*] Would it interfere in any way with your wires for the telegraph system? Oh; yes; decidedly. In all lightings of this kind it would be absolutely necessary, and I think the Government should insist, that all electric light companies should place their wires underground.
285. *Mr. Hemsley.*] Having regard to the fact that it is proposed under this Bill to put the wires underground you see no particular objection to it? No particular objection as long as the leads and cables are put underground.
286. *Mr. Day.*] Do you think there ought to be any Government supervision over the putting down of these wires? Decidedly. There should be constant Government supervision, with powers to enter premises to see that the leads and lines are properly erected and properly insulated.
287. You think that should be a portion of the Bill? There should certainly be a clause in the Bill to cover that.
288. *Chairman.*] You mean that there should be a Government inspector? Yes; that there should be a Government inspector placed under me. I think we provided for something of the kind in the Grafton Bill.
289. *Mr. Day.*] Will you read clause 24 of this Bill, and see what is proposed there? This should be strengthened by giving the Government power to appoint an inspector.
290. These electric wires must be kept away from your wires? Decidedly.
291. At what distance, in places where they cross? In fact they ought not to be allowed to go overhead at all.
292. But underground? It does not matter a bit, we have no underground wires.
293. But you may have directly? We may possibly at some time, but I do not think it would seriously affect us if the wires were laid underground, because then there would be no chance of getting into actual contact. There should be a distance, of course. It would be better to say the wires should be within so many feet of our lines.
294. Only in crossing? In crossing also.
295. That is the most dangerous part? Yes; but I am not so much afraid of the underground system, because I do not suppose we shall come to the underground system unless we adopt a regular conduit or sub-way.
296. *Mr. Hemsley.*] Would it not be desirable to have a sub-way for telegraph wires, water-pipes, and all other pipes? That is the proper way to carry it out, but it is so fearfully expensive that it becomes a question whether companies would care to go to such an expense?
297. *Mr. Withers.*] Where does the danger exist? If the electric light wires, carrying such heavy charges, came into contact with the wires it would set fire to our buildings and apparatus, and destroy our telephone exchange, and this we have to guard against. If a gale of wind, a runaway horse and cart, or any similar accident were to knock down their wires and bring them into contact with ours the whole of our telephone exchange would be destroyed.
298. *Mr. Day.*] But if the wires were put underground there would be no danger? I do not think so; I think it would be far safer to do that, and if we put our wires underground we must take care to put them a certain distance from theirs.
299. They must keep a certain distance from you? It all depends upon who is down first.
300. You think that if the introduction of these wires were placed under the supervision of your Department it would be perfectly safe? Yes. I should make such rules as would ensure the public safety.
301. *Mr. Withers.*] Is there sufficient width in our streets to keep the lines sufficiently far apart to guard against danger? Yes.

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302. What distance would they be apart? About a couple of feet would be ample. Not that there would be any particular danger from the fusing of our lines in that way, but there would be this danger, that our very minute charges if we went underground would be affected by the heavy charges from their lines.
303. Our streets are only 66 feet wide. We have paved most of them and arranged for gas and water, and by the time we get our sewerage completed and all these different tunnels for the different pipes, we may, with only 12 feet to work upon, have to go under the foundations of people's houses, and what then? Very close quarters, no doubt; but that can be sufficiently arranged by going deeper.
304. *Mr. Day.*] I suppose that if Government supervision were exercised in the matter there would be no danger? The Government supervision would provide for a great many of these questions.
305. But if Government supervision were properly carried out there would not be the slightest danger in any way from the introduction of this light? No; we should be careful that there would be no danger.
306. No danger in warehouses or private houses? No; because we must have power to enter.
307. No danger of anyone touching the wires and being killed, or anything like that? That would have to be provided against.
308. What I mean is that there would be no wire left open so that anyone could come into contact with it? We must take care that it is all properly boxed in.
309. And with that care that you suggest you are satisfied that there would be no danger in the introduction of the electric light throughout the entire city? No, not under proper supervision. Of course there is a danger with the arc light, because you must go up to such an enormous power, perhaps over 2,000 volts; but with the incandescent light, which was mentioned just now, if you do not exceed 200 volts there is no danger.
310. If the electric light were brought into operation and gas done away with, would there be any danger of the city being left suddenly in total darkness? No, if proper arrangements were made; because you must duplicate your machinery, duplicate the whole apparatus, and then you would have a system of zigzag, so that every alternate light might possibly go out through an accident, but certainly not all of them.
311. Is this electric light merely in its infancy? No. I think it is now so far advanced that we may safely consider it of established public utility.
312. Do you gain more experience as time goes on? Yes; we have advanced very much since the Grafton Bill.
313. I suppose that every day something new comes to light? Every week or every month. Sometimes it takes a jump. Sometimes we do not hear anything of it for six months or more.
314. Would the electric light be cheaper than gas to warehousemen? In my opinion it would be considerably cheaper when once worked on a proper system.
315. And do you think that the introduction of the electric light would have the effect of raising the insurance premiums or of lowering them? It would have the effect of lowering them, I should say, being far safer.
316. It is less dangerous than gas? Much less dangerous. There is nothing at all to go wrong if the light is properly managed. Your safety-plugs would secure you from fire.
317. *Mr. Hemsley.*] The safety-plug is what Mr. Backhouse referred to in his evidence as a fuse? Yes.
318. The safety-plug is a plug attached to the main at the entrance to each house for the purpose of cutting off connection in case of danger? If the power is too strong at any time it fuses the plug, and you are cut off, and there is no danger from fire.
319. You have seen it working a great deal in England? Yes; I saw a great deal of the electric light when I was at home.
320. In warehouses? I do not know that I went through any particular warehouses, but I have seen it at work in factories.
321. It was found much healthier, I presume? The warehouses in England are seldom kept open late enough in the cities to necessitate a proper system of lighting.
322. But they have fogs? I have no doubt they would take the electric light if it were cheaper.
323. *Mr. Day.*] Then you are under the impression that under proper Government inspection this light would be a great benefit to the city of Sydney? I have no doubt about it.
324. And be less dangerous than gas? Yes.
325. More healthy? Yes; because the electric light does not consume the oxygen as gas does. In the case of gas the oxygen is being constantly consumed, and in a close room this has a bad effect; but with the electric light there is nothing of the kind.
326. Do the wires last long after being put down? They ought to last for years.
327. They are encased in something, are they not? Yes; they are coated with different dielectrics—some with gutta-percha, some with india-rubber, and some with pitch only.
328. And would these wires be put into a tube or a pipe? They ought to be put into a pipe to make a good job of it.
329. They would not last so well if placed underground without a pipe? No. I do not think it would be a safe thing, because there is always a chance when the streets are being broken up of a workman putting a pick through them. In Berlin, when I was there in 1885, they were establishing a complete system of arc lighting for the whole of the streets, and they employed lead-coated cables, which they simply put into trenches, and had no sub-way. As far as they have worked it has been very satisfactory, but of course it has only been in existence a very short time—two or three years.
330. Is it at all likely that the wires will become defective or worn out so that they would have to be taken up and repaired? I daresay that in course of years the insulation would become damaged.
331. How long? They ought to run ten years.
332. But the streets would not have to be continually cut up here and there? No; I do not think there would be any chance of that.
333. Supposing we had the City lighted with electricity, and everything in proper order, and proper inspection by the Government, how long do you think these wires would last? The conductors themselves—the metal part of them—would last for ever, but the india-rubber coating or insulation would certainly become destroyed in course of time.
334. How long? They would go at any rate ten years without requiring any attention.
335. Then you think that if these wires were properly laid down there would be no necessity of cutting up the streets to repair them? Not the slightest, because they might lay them in sections. If they were laid

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laid in sub-ways or pipes they could be laid in sections, and the streets need not be cut up at all. They could have test boxes, so that they could take out one section if necessary and put in a new one.

336. Ought the wires to be under the street or under the footpath? Under the footpath, rather than take up the wood pavement.

337. The footpath would be better for the public and less objectionable to the Corporation who manage the roads? Yes; because otherwise you would destroy the cement base of the wooden pavement.

338. *Mr. Hemsley.*] You have noticed with regard to the supervision that the Bill provides that if the streets are taken up it must be under the superintendence of the Municipal authorities? I have not noticed that, because I have not read the Bill. I think that the whole thing ought to be under Government supervision, so that in the event of any changing of wires we should see that the wires were properly laid and relaid when necessary. I think that Government supervision would be to the advantage of the Company as well as to that of the public.

339. With regard to inspection, suppose the work was proposed to be undertaken, I presume you mean that notice should be sent to you, and that nothing should be done except under the superintendence of your officer, who would be a clerk of works, and see that the workmen did their work properly? Yes.

340. *Mr. Withers.*] Have you to consult the City Council at present when you require to erect telegraph posts in the city? No; we have a general understanding with them.

341. There appear to be a great many rival inspectors. If this suggestion were carried out, would you require a number of Government inspectors? I think not. I think one man would be able to look after all these things, certainly for many years.

342. Would he be paid by the Company? No. He should be paid by the Government, and be entirely under their control. His appointment would simply be for the protection of the public.

343. There is no more danger from this light in a building in regard to the light setting fire to anything than there is in the case of gas? No; not if it is properly constructed.

344. *Mr. Day.*] Is there no danger from accident, owing to one of the incandescent lamps bursting? No. Immediately the air comes into contact with a light it goes out. It would not set fire to a powder magazine.

345. Supposing I took a stick and knocked one of these lamps to pieces when the light was burning inside, would it be likely to set fire to the place? It would not ignite gunpowder; we have tried it. In fact, so sure am I on that point that Colonel Roberts and myself have arranged to light the magazines by means of the incandescent light. I would rather have that kind of light in the magazine than any other. Immediately the air comes into contact with it it goes out.

346. *Mr. Hemsley.*] With regard to the superintendence generally, are you of opinion that it would be unnecessary or undesirable that in addition to the Government superintendence the municipal authorities should have power to superintend any part of it; for instance, the taking up of the streets? I think the whole thing should be placed under the Government.

347. *Chairman.*] Do you think the electric light would be cheaper than gas? Yes; I think so.

SYDNEY AND SUBURBAN ELECTRIC LIGHTING BILL.

APPENDIX.

[To evidence of G. K. Kirkland.]

A.

STANDARDS for Electric Equipments of the New York Board of Fire Underwriters.

Adopted January 12, 1882; Amended October 15, 1884, and February 18, 1885.

Capacity of Conductors.

For arc lights, the conductors must have a weight per running foot at least equal to that of the wire (or parallel group of wires) constituting the main circuit of the magnetic regulator of the electric lamps, or of the armature of the machine employed, whichever of these is the largest.

For incandescent lights, wherever a connection is made between a larger and a smaller conductor at the entrance to or within a building, some approved automatic device must be introduced in the circuit of the smaller conductor, whereby it shall be interrupted whenever the current passing through it is in excess of its safe carrying capacity.

The safe carrying capacity of a wire is that current which it will convey without becoming painfully warm when grasped in the closed hand.

Insulation.

All wires, machines, and lamps to be so mounted and secured as to insure complete and continuous insulation, with the exception of those parts (such as portions of the lamps or machines, for example) where insulation is impossible, and in this case accidental contact with exterior objects must be prevented by appropriate screens or the like.

In no case must "ground circuits" be employed, or any portion of the system be allowed to come into conducting connection with the earth through water or gas-pipes or otherwise.

Exposed wires must be covered with at least two coatings, one of insulating material next the wire of a thickness and material approved by the Board, another outside of this, of a material calculated to protect the former from abrasion or other mechanical injury.

Where there is a possible exposure to water, the first or second coating must be impervious to the fluid.

Wherever electricity is carried into buildings by conductors from an exterior source, a "cut-out" must be provided at a point as near as possible to the entrance to such building.

The outgoing and returning wires for arc lights should enter and leave each building at points at least one foot from each other.

The wires passing through the exterior walls of a building should be firmly encased in substantial tubes of non-conducting material, not liable to absorb moisture, and placed in such a manner as to prevent rain-water from entering the building along the wire.

In running along walls and the like, wires should be rigidly attached to the same by non-conducting fastenings (the wires themselves being well insulated), and should not be hung from projecting insulators in loose loops.

All wires should be placed at a distance of 8 inches for arc lights and 2½ inches for incandescent lights from each other, and wherever they approach any other wire or conducting body, capable of furnishing another circuit or ground connection, they must be rigidly secured and separated from the same by some continuous solid non-conductor, such as dry wood, of at least ½ inch in thickness.

For incandescent lamp fixtures and electroliers, exceptions may be made to the foregoing rule, in which the wires can be placed nearer than the above prescribed distance to each other, or to other conductors, provided the fixture is fully insulated at the base from the house and ground piping, and further provided that a double-pole safety catch is placed at the base of each fixture, or at the nearest branch connection, as may be required by the Inspector of the Board.

In all cases when combination (gas and electric) fixtures are used, extra precaution must be used to secure complete and continuous insulation from the gas-piping.

Wherever wires are carried through walls, floors, or partitions in buildings, they must be surrounded by special insulating tube of substantial material.

All joints in wires must be made in such a manner as to secure a perfect and durable contact, continuous wires (without joints) to be used as far as possible.

Globes.

Arc lights must be protected by glass globes, enclosed at the bottom to prevent the fall of ignited particles, and where inflammable materials are present below the lamps, a wire netting must be added to keep the parts of the globe in place in case of fracture during its use.

All broken and cracked globes to be at once replaced by perfect globes.

In show windows and other places where inflammable materials are near the lights, spark arresters should be placed at the top of the globes.

Automatic Shunt.

Wherever a current of such high electro-motive force is employed that if concentrated on one lamp of the series it would produce an arc capable of destroying or fusing parts of such lamp, an automatic switch must be introduced in each lamp by which it will be thrown out of circuit before the arc approaches any such dangerous extent.

Companies furnishing electricity from central stations must enter into an agreement with the New York Board of Fire Underwriters, binding themselves to test their lines for ground connections at least once every day (and preferably three times per day), and to report the result of such tests to the Board weekly.

Means by which those in charge of the dynamo-electric machines will be warned of any excessive flow of current, or means whereby the same will be automatically checked, must in all cases be provided.

Switches and Cut-outs.

All switches and cut-outs, which shift, break, or transmit a current, shall be so arranged as to close one circuit before opening the other, and must be mounted on an incombustible base.

Motors.

The rules and regulations under the head of capacity of wires, insulation, automatic out-cuts and switches, shall be observed where electric motors are used, and in addition the motor frames must be properly insulated and so mounted as to be free from grounds, and each motor shall be provided with an approval switch to prevent an excess flow of current.

Storage Batteries.

When the current for lights or power is taken from storage batteries, the same general regulations are to be observed.

Rules and Regulations for the Prevention of Fire Risks arising from Electric Lighting, recommended by the Council in accordance with the Report of the Committee appointed by the Society of Telegraph Engineers and of Electricians on May 11, 1882.

The difficulties that beset the electrical engineer are chiefly internal and invisible, and they can only be effectually guarded against by "testing," or probing with electric currents. They depend chiefly on leakage, undue resistance in the conductor, and bad joints, which lead to waste of energy and the dangerous production of heat. These defects can only be detected by measuring, by means of special apparatus, the currents that are either ordinarily or for the purpose of testing, passed through the circuit. Should wires become perceptibly warmed by the ordinary current, it is an indication that they are too small for the work they have to do, and that they should be replaced by larger wires. Bare or exposed conductors should always be within visual inspection, and as far out of reach as possible, since the accidental falling on to, or the thoughtless placing of other conducting bodies upon such conductors would lead to "short circuiting," and the consequent sudden generation of heat due to an increased current in conductors not adapted to carry it with safety.

The necessity cannot be too strongly urged for guarding against the presence of moisture and the use of "earth" as part of the circuit. Moisture leads to loss of current and to the destruction of the conductor by electrolytic corrosion, and the injudicious use of "earth" as a part of the circuit, tends to magnify every other source of difficulty or danger.

The chief dangers of every new application of electricity arise from ignorance and inexperience on the part of those who supply and fit up the requisite plant.

The greatest element of safety is therefore the employment of skilled and experienced electricians to supervise the work.

I.—The Dynamo Machine.

1. The dynamo machine should be fixed on a dry place.
2. It should not be exposed to dust or flyings.
3. It should be kept perfectly clean, and its bearings well oiled.
4. The insulation of its coils and conductors should be practically perfect.
5. All conductors in the dynamo room should be firmly supported, well insulated, conveniently arranged for inspection, and marked or numbered.

II.—The Wires.

6. Every switch or commutator used for turning the current on or off should be constructed so that when it is moved and left it cannot permit of a permanent arc or of heating.

7. Every part of the circuit should be so determined that the gauge of wire to be used is properly proportioned to the currents it will have to carry, and all junctions with a smaller conductor should be fitted with a suitable safety fuse or protector, so that no portion of the conductor should ever be allowed to attain a temperature exceeding 150 degrees Fah.

8. Under ordinary circumstances complete metallic circuit should be used; the employment of gas or water-pipes as conductors for the purpose of completing the circuit should not in any case be allowed.

9. Bare wires passing over the tops of houses should never be less than 7 feet clear of any part of the roof, and all wires crossing thoroughfares should invariably be high enough to allow fire escapes to pass under them.

10. It is most essential that joints should be electrically and mechanically perfect and united by solder.

11. The position of wires when underground should be clearly indicated, and they should be laid down so as to be easily inspected and repaired.

12. All wires used for indoor purposes should be efficiently insulated, either by being covered throughout with some insulating medium, or if bare, by resting on insulated supports.

13. When these wires pass through roofs, floors, walls, or partitions, or where they cross or are liable to touch metallic masses, like iron girders or pipes, they should be thoroughly protected by suitable additional covering; and where they are liable to abrasion from any cause, or to the depredations of rats or mice, they should be efficiently encased in some hard material.

14. Where indoor wires are put out of sight, as beneath flooring, they should be thoroughly protected from mechanical injury, and their position should be indicated.

N.B.—The value of frequently testing the apparatus and circuits cannot be too strongly urged. The escape of electricity cannot be detected by the sense of smell as can gas, but it can be detected by apparatus far more certain and delicate. Leakage not only means waste, but in the presence of moisture it means destruction of the conductor and its insulating covering by electric action.

III.—Lamps.

15. Arc lamps should always be guarded by proper lanterns to prevent danger from falling incandescent pieces of carbon, and from ascending sparks. Their globes should be protected with wire netting.

16. The lanterns and all parts which are to be handled should be insulated from the circuit.

IV.—Danger to Person.

17. Where bare wire out of doors rests on insulating supports it should be coated with insulating material, such as india-rubber tape or tube, for at least 2 feet on each side of the support.

18. To secure persons from danger inside buildings it is essential so to arrange and protect the conductors and fittings that no one can be exposed to the shocks of alternating currents of a mean electro motive force exceeding 100 volts, or to continuous currents of 200 volts.

19. If the difference of potential within any house exceeds 200 volts the house should be provided with a "switch," so arranged that the supply of electricity can be at once cut off.

Electric Light and Telegraph Wires.

In electric light work no P.O. telegraph line may be altered (except under the Telegraph Act, 1878) or injuriously affected. Before working within 10 yards of a P.O. line (except repairs or laying connections with mains crossing the line J at the nearest point, and running so for 6 feet on each side of it), at least seven days' notice must be given to the Postmaster-General, and the course and nature of the work (including gauge of wire) specified.

[To evidence of Benjamin Backhouse.]

B.

INSTALLATION of the Electric Light at Leamington by the Midland Electric Light and Power Company (Limited).

LEAMINGTON has taken the lead among the towns in the Midlands in the adoption of a general system of electric lighting. Indeed, in respect of the completeness and permanence of the installation it has surpassed even the larger towns in the kingdom where electric lighting has been tried. The era of the new illuminant was inaugurated on Tuesday, November 8th, with excellent effect. The concession for the lighting of the town has been granted to the Midland Electric Light and Power Company (Limited). The present arrangement as to terms is exceedingly favourable to the Corporation and the private consumers, though the Company hope to be able to earn a fair dividend as well as to profit by the splendid advertisement which they derive from the successful lighting of a fashionable town like the Royal Leamington Spa. The project has been taken up warmly by the inhabitants. The Town Council have accepted the Company's offer to light Bath-street and the Parade (having in their last contract with the gas company taken power to dispense with the use of gas in certain parts of the town) the Town Hall and Free Library, and the Pump-rooms. The Theatre Royal, the Warwickshire Liberal Club, the Bath Hotel, the Angel Hotel, the establishments of Messrs. Wackrill and Sons and Messrs. Francis and Sons, a large number of the leading shops in the Parade, and Bath-street, and the private houses of Alderman Bright and Councilor Fell, have also been fitted with the new lights. The total number of lights ordered up to the present time is about 1,500, but

but it is confidently anticipated that 6,000, the number for which machinery has been laid down, will be wired in the course of twelve months. The Corporation and the private consumers provide their own fittings, but the mains and the producing plant are the property of the company. The lighting at present is entirely by incandescent lamps. Storage batteries are not used, though they can be adopted if a commercially successful system should ever be discovered. Meanwhile the current is supplied to consumers' houses direct from the central works, and is intended to be maintained day and night, every hour of the twenty-four, and every day of the week.

The engine and dynamo house is built on the Company's freehold land in Wise-street, and the compactness of an electric lighting plant is admirably illustrated by contrast with the neighbouring gas works. The site adjoins the Birmingham and Warwick Canal. The building is 91 ft. by 84 ft. 6 in., divided in its length into five bays, the first of which is separated by a wall from the rest of the apartment to form a coaling shed; the firing ends of the steam-boilers projecting through apertures in the wall into this apartment.

Each of the bays is roofed with an unequally pitched roof, the steep sides forming an angle of 60 degrees with the line of springing, and the flatter side an angle of 30 degrees. The steep sides face the north and are glazed throughout their whole length and height with rolled plate glass. The other side towards the south is slated and boarded with V jointed and wrought boarding on the inner side. The timbers of the roof and skylights are also wrought and chamfered, and the whole is varnished. The roofs are carried by large cast-iron gutters with pockets cast on the sides into which the timbers of the roof are fitted. They thus serve as girders to carry the roof and as gutters to convey the rain-water to the descending pipes. Each gutter is in three lengths, supported at the points of junction between the walls by two cast-iron columns. The height to the underside of the gutters is 13 ft., and to the ridge of the roofs 21 ft. The effect of the interior of the shed is one of great lightness.

The walls are painted black to a height of 5 ft. from the floor, and above that are coloured light buff.

Near one end of the coaling-room is the chimney, an octagon stack 78 ft. in height. Into this the smoke from the fires enters by means of a large brick flue beneath the pavement. 500 cubic yards of concrete brick and masonry give solidity to the foundation of the massive machinery bolted thereto. The architect was Mr. J. A. Cossins, of Birmingham; and the builder, Mr. J. Fell, of Leamington. About twice as much land as is covered by the present works remains in the Company's possession for future extensions.

Three locomotive-type boilers supply the steam to the engines. These boilers are entirely of Siemens-Martin steel and are of the highest class of workmanship. All the plates are flanged and worked by hydraulic machinery. The edges of the plates are planed, the rivet-holes are drilled and the seams are double-riveted (by hydraulic power) throughout. In order to secure excellence in the quality, Messrs. Robey not only make the rivets themselves but roll the rivet-iron from their own selected scrap. The boilers themselves are much larger than any to be found upon locomotive engines, having a total length of 19 ft. 3 in., with an external diameter of band of 5 ft. 1 in., and a total heating surface of 740 square feet. The grate-area is 21.28 square feet. The boilers are all tested by hydraulic pressure to 300 lb. per square inch, and are suitable for a working pressure of 140 lb. The boilers weigh no less than 10½ tons each when empty. The draft is led downwards from the smoke-boxes into the subterranean flue which communicates with the chimney-shaft at one end of the engine-house. There will be practically no smoke visible. There are three pairs of large horizontal engines in all, each capable of exerting no less than two hundred effective horse-power, and designed and constructed expressly for this installation by the well-known firm of Messrs. Robey and Co., of Lincoln. The engines embody the very last improvements in mechanical science, and form undoubtedly the finest and most symmetrical display of motive power for permanent electric lighting machinery ever put down in this country. They are upon the compound principle, having high-pressure cylinders of 15 in., and low-pressure ditto of 26 in. diameter respectively, the stroke of both being 2 ft. 4 in. At the back of the low-pressure cylinder of each engine is a jet condenser, its air pump being worked by a prolongation of the piston-rod in the most direct and simple manner. The high-pressure cylinders are fitted with the Pröell automatic valve gear, controlled by the Richardson electric governor. The effect of this combination may be briefly explained thus:—Instead of the usual slide-valve, the steam is admitted by a lifting or equilibrium valve at each end of the high-pressure cylinder. These valves, which are raised alternately by a rocking lever at the beginning of each stroke of the piston, can be released at any given point in the stroke by the action of a "tripping lever," the position of which, in its turn, is regulated by the intensity of the electric current itself passing through solenoids of the electric governor. Thus, the steam admission, and consequently the power of the engine is always under the control of the Richardson governor, and the electro-motive force is automatically kept constant, whatever may be the number of lamps in circuit. Thus the steady brightness of the lamps will always be maintained. The double crank-shafts are of steel, and machined out of the solid, having counter-weights attached to each crank-web, to balance the reciprocating parts. The main bearings are three in number and are cast in one piece with the massive bed plate of each engine (as are the tubular guides also) to diminish the chances of anything working loose. The cross heads are fitted with cast iron slippers, and the eccentric straps are of the same material. Lubrication has been most carefully attended to in all parts of the engine. The power is communicated to the six dynamos, through a line of intermediate shafting, which stretches across the whole width of the engine-room. Each engine is fitted with a heavy grooved fly-wheel, 10 ft. diameter, driving a similarly grooved pulley on the countershaft by means of nine 1½ in. cotton ropes. Six more grooved pulleys of 6 ft. diameter upon the shafting drive the dynamos by ropes in exactly the same manner. Cotton rope has been used as the means of transmission in preference to leather belting, as the irregularities in thickness at the joints in the latter would seriously affect the regularity of running at the dynamos—the numerous ropes giving a practically uniform rotation.

The precautions against breakdown have been so carefully worked out that a stoppage in the supply of electricity seems almost beyond the range of possibilities. In the first place, two of the three boilers are amply sufficient to supply the three engines, the third being a stand-by. The steam-pipes are so arranged that any given boiler can supply any one or more of the engines. By means of friction-clutches any engine can be instantly detached from the main shafting and another substituted, and the same holds good with each of the dynamos. The shafting itself is in three separate lengths connected by two friction-couplings, either of which can be slackened off without shock or stoppage. In addition to the electric governors before mentioned, the engines have a second, or safety-governor, of the centrifugal type, which would take up the running if such an accident as the breakage of a wire should cause a failure of current through the electric governor.

The electricity is generated by six of the Hookham Patent Dynamos, each capable of supplying 1,000 incandescent lamps of 18 candle power each.

These dynamos have double magnets, disposed horizontally, and shunt wound, and an armature of the "drum" type. But instead of the conductor being wound on the surface of the cylinder, as in the "Siemens" armature, or in grooves cut in the surface, as in the "Weston," the peculiarity of these dynamos is that the conductor lies in channels, cut from end to end of the cylinder, close to the surface, but not breaking through it; so that this armature presents to the action of the poles of the field magnets one unbroken surface of iron—an arrangement that has great mechanical as well as electrical advantages. The armature is 25 in. long by 10 in. diameter, and has 18 effective turns. It gives 110 volts at 760 revolutions, with a current of 500 amperes. The electrical efficiency with this load is 97 per cent., and the commercial efficiency 95 per cent. Each dynamo weighs 72 cwt., and occupies a floor space of 8 ft. by 4 ft.

A variety of instruments which have to be at once sensitive, accurate, and durable, are provided in order to enable the electrical engineers in the dynamo-house to control the supply of electricity in accordance with the varying wants of consumers during the 24 hours. In addition to the Richardson Automatic Electric Governor on the engines already referred to, there are fusible cut-outs on each dynamo to protect these as well as the main leads from accidental short circuiting. Then there are the main switches, twelve in number, arranged in order on an enamelled slate-board, measuring 8 x 5 feet. After these, come the galvanometers, one on each main, showing the pressure in the main by means of an index finger moving in front of a graduated dial; by the side of these are resistance boxes, connected with the magnets of each dynamo so as to control the electro motive force by hand in the event of the automatic electric-governor failing to act; and, finally, there are five registering meters, manufactured by Chamberlain and Hookham (Limited) under Mr. Hookham's patents, which measure and record the current passing along each feeding main. An instrument which should measure electricity as gas is measured has long been wanted, and the present invention—at once simple and accurate—completely satisfies the requirement.

It records the amount of current consumed, the result, reckoned in Board of Trade units, being read from dials similar to those to which the public are accustomed in gas and water meters. To give an idea of its sensitiveness, it will start with one-third of the current used in a single lamp, while it will carry sufficient for 150; its rate of rotation never exceeding about 80 per minute. But, notwithstanding this extreme sensitiveness, it is anything but a delicate instrument in construction; and, will, so far as the patentee has been able to test it, run for years without touching.

It consists, in its present form of an electro-motor, whose armature carries the current to be metered, and drives an electric brake, so arranged that the speed is directly proportional to the current in the armatures. For ordinary house installation permanent magnets have been successfully applied. These act without any loss of current or electric energy at all, while the total resistance of the "household" meter is less than one six-hundredth of an ohm. So that if fifty lamps were burning the entire loss of energy due to the current passing through the meter would be about one-twentieth of one per cent. With any number of lamps above three the readings of the meter are accurately correct; for a smaller number they are slightly in favour of the consumer. The patentee of the meter is Mr. G. Hookham, and it is the property of Chamberlain and Hookham (Limited), Birmingham, by whom it is being manufactured, and who are securing it by patent rights in all parts of the world.

The current is taken from the dynamos through these instruments along two sets of feeding mains carried in brick trenches to two distributing boxes, the one placed near the old well, the other by the corner of the Parade and Holly Walk. The trenches were dug from the Company's works to the lower end of the Parade, and then continued on either side of the Parade to its upper end, with a branch at the Town Hall to the end of Holy Walk. The contract for these was placed in the hands of Mr. Fell. The trench on the Jephson Garden side was 2 ft. square, with a 5 ft. excavation, and on the other side 15 inches square, with a 5 ft. excavation. The trenches were bricked at the bottom and sides, and pointed in cement, and therein the cables were laid on wooden bearers supported on slate brackets, the whole being covered with slabs of stone. During the progress of the work considerable difficulty had to be overcome in dealing with the various gas, water, and sewer pipes, but it was fortunately surmounted without any evil effects.

The current is carried in the first instance to distributing boxes, where equal potential is always maintained by either the hand or automatic regulating devices, under the control of the electrical engineer, in the dynamo house, and already described, and from thence the current is led by distributing mains to the various consumers in the town.

The principle of distribution adopted by the Company is known as Dr. John Hopkinson's 3-wire system, by which without increasing the electric motive force a saving of about two-thirds is effected in the weight of the copper conductors, the sections of all of which were calculated by Dr. J. Hopkinson himself. The conductors were supplied by Calenders, Telegraph, and Bitumen Company (Limited); their insulation resistance is equal to 500 megohms at 60° Fahrenheit, and their total length is 13½ miles. The length of the trenches is 3,500 yards, and the distance from the engine-house to the furthest consumer is 1,850 yards.

The distributing boxes are also utilized for street lighting, circuit switches for the street lampwires being placed therein, so that the whole or any section of the street lamps can be lighted or extinguished in a moment without the necessity of visiting each lamp in turn. The total number of new standards erected on the Parade and Bath-street is seventy, viz., fifty with single lights and twenty with three lights, making 110 lights in all; but when the arrangements are complete the existing gas-lamp posts will be transformed into electric light posts, bringing the total number of public electric lights in Bath-street and Parade to 183, and making them the best lighted thoroughfares of their length in the Midland Counties. The incandescent lamp is used, and the light which the Company contracts to supply is equal to eighteen candles, the whole of which by the aid of silver-plated reflectors is utilized on the streets.

The charge, which includes lighting, extinguishing, and cleaning, is to be the same per lamp as is at present paid for the gas.

The Company have also fitted up and supplied the electric light to the Town Hall and the pump-rooms. At the Town Hall there are 349 lights, and at the pump-rooms 166. The cost of the standards and fittings for the Parade and Bath-street was £542 10s., and the fixtures and lamps for the Pump-rooms necessitated an outlay of £212, and for the Town Hall, £475 11s. 6d., a total of £1,230 1s. 6d. In addition, the Company have contracted to supply the new illuminant to the Theatre Royal, the Warwickshire Liberal Club, the Bath Hotel, the Angel Hotel, Messrs. Wackrill & Sons, Messrs. Francis & Sons, and to a number of other establishments, and to the private houses of Mr. Alderman Bright and Mr. Councillor Fell.

About 1,500 lights were ordered on the day the Mayor and Town Council visited the works, and it is confidently anticipated that 6,000, the whole number of which the present works are capable, will be wired in the course of the next twelve months. The electricity will be charged to the consumers at the rate of from 7d. to 4d. per unit, or from about ½d. to ¼d. per lamp per hour.

The capital involved up to the present time has been about £30,000, and the Company anticipate that when the plant is fully employed they will earn a dividend on this of from 7½d. to 12½d. per cent.

The whole of the work has been planned by Chamberlain and Hookham, of Birmingham. The dynamos and electrical apparatus have been manufactured by them, and the other machinery has been made to their specifications and supplied by them to the Company.

The resident engineer to the Company is Mr. Fred. Thornton, who has had large experience in electric work. The laying of the cables and the wiring of the various buildings has been effected under his superintendence, and has given entire satisfaction.

On the 8th November, shortly before dusk, the Mayor (Mr. S. T. Wackrill), with the most of the other members of the Corporation, the Medical Officer of Health (Dr. Baly), the Borough Surveyor (Mr. D. Normandville), the Mayor of Warwick (Mr. S. W. Stanton), and a number of the principal residents in Leamington and the neighbourhood, met Mr. Arthur Chamberlain, Mr. G. Hookham, at the works in Wise-street. Mr. Chamberlain having shown the party over the establishment and described the machinery and its mode of working, the Mayor made a few congratulatory remarks, in the course of which he attributed to the slow progress of electric lighting in this country to the comparative cheapness of gas. His worship then started one of the engines, and switched on the current to the lamps in the engine-house, the street lamps, the lights in private houses and shops, and the minor lights at the Pump-rooms and the Town Hall. A loud cheer was given as soon as the soft but brilliant light of the electric lamps appeared. After further inspection and explanation, the party started for the pump-room. The electric lights in the shop windows proved highly effective, especially where drapery, pictures, or fancy goods were displayed. The excellent way in which the light brought out the colours of the articles on view, and the fact that, there being no danger of fire, the lamps may be distributed entirely with regard to effect, seemed to be the chief factors in this highly successful result. At the Pump-rooms the corridors and small apartments were found to be splendidly lighted by single and grouped lamps. The historic Pump-room itself, however, was in darkness. The party assembled in the room, and the Mayor having given the word, there was instantly a brilliant illumination. In this case three groups each of twelve incandescent lamps have been fixed in the ceiling. Each lamp bulb is mounted, according to a method devised by Messrs. Chamberlain and Hookham, in a bell-shaped mirror, the reflecting surface of course being on the inside, and the curve being designed to aid the effective diffusion of the light. The result of the switching on of the current was hailed with another loud cheer. The next place visited was the Town Hall, the front and portico of which were already brilliantly illuminated, in a manner which would be exceedingly serviceable in the event of a ball or other assembly causing the use of a large number of carriages. At a signal from the Mayor the lights in the main corridor downstairs and those of the principal staircase were turned on with satisfactory results. The lighting of the staircase effected by a row of twelve mirror-mounted lights over-head, was particularly admired. The lighting of the Assembly Room, however, was the crowning success of the undertaking. The gasaliers have been replaced by incandescent lamps, placed in the ceiling and mounted in the same way as those in the Pump-room. A glorious light flooded the hall, and evoked an almost simultaneous wish among the spectators to see the effect of its effulgence on one of those assemblies of "fair women and brave men" for which the hall is so well adapted. The lighting of the Free Library and other rooms having been inspected and pronounced satisfactory, the party assembled in the Council Chamber which was illuminated very effectively by two handsome pendant electroliers of fourteen branches each.

The Mayor, putting on his chain of office, congratulated his colleagues and the inhabitants generally on the progress of electric lighting and the successful inauguration of the system in Leamington. He also expressed to Messrs. Chamberlain and Hookham the obligation the town was under to them for the favourable terms which they had made with the Corporation and the consumers, and the admirable way in which they had carried out the work. (Applause.) Mr. Arthur Chamberlain, in reply, said that the Mayor, during his four years of office, had assisted in many important projects for the benefit of the town; but he thought that his worship would regard this, the closing public act of his mayoralty, as worthy to hold a place with any other in which he had taken part. (Applause.) Having explained the advantages of the electric light in point of cleanliness, health, brilliancy, and coolness over gas, oil, and other illuminants, Mr. Chamberlain argued that Leamington would advertise not only the Electric Light Company but itself by the step it had taken. The people of Cheltenham were discussing how they might best advertise their town, and he commended to them the example of Leamington. (Applause.) He hoped that the consumers would bear with any imperfections that might appear in the commencement of this—the largest and most complete installation of the electric light yet attempted in the United Kingdom—

(applause)

(applause)—and would appreciate the efforts of the Company to improve the service from time to time. He did not think that his Company and the Gas Company would try to cut one another's throats ; they were too sound men of business, he hoped, for that—(hear, hear)—but the competition would be beneficial, as it already had been, to the consumers pecuniarily, and would stimulate both companies to efforts at improvement. The consumers had been promised that the electric light, should cost them not over 30 per cent., more than gas, but they were giving them in their streets electric light at a cost light for light, less than that of gas. At present, however, the Company were making no charge whatever for the supply, which would be continued free for at least the whole of this month. During that time, however, as the works were not quite complete, the supply would only last from dusk till about 11 o'clock. In the course of the month every consumer, he hoped, would be supplied with one of Mr. Hookham's meters, which could be read as easily as a gas or water meter, and would assist them in practising due economy in the use of the light. As to the street lights, only one-third of the proper number had been fitted as yet. It had been suggested that they should have the arc light in the streets. The effect of that, however, would be, he thought, to make the ignorant stare, but the judicious grieve. (Applause.) It would entirely spoil the effect of the lights in the shop windows, and that was not what they wanted in Leamington. (Hear, hear.)

At the conclusion of the proceedings the company adjourned to the Mayor's Parlour, where refreshments were supplied and the health of the Directors, on the proposition of the Mayor, was cordially honored. Afterwards the public were admitted to see the effect of the light in the various parts of the building

Sydney : Charles Potter Government Printer.—1888

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SYDNEY HYDRAULIC-POWER COMPANY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *March*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 51. FRIDAY, 10 FEBRUARY, 1888.

6. SYDNEY HYDRAULIC-POWER COMPANY'S BILL (*Formal Motion*):—Mr. Garrard moved, pursuant to Notice,—
- (1.) That the Sydney Hydraulic-power Company's Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Lyne, Mr. Barbour, Mr. Day, Mr. Hassall, Mr. Kethel, Mr. Lees, Mr. Sutherland, Mr. Wall, Mr. Hawthorne, and the Mover.
- Question put and passed.
-

VOTES No. 70. THURSDAY, 22 MARCH, 1888.

16. SYDNEY HYDRAULIC-POWER COMPANY'S BILL:—Mr. Garrard, as Chairman, brought up the Report from, and laid upon the Table the Minutes and Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 10th February, 1888, together with Appendix and a copy of the Bill as amended and agreed to by the Committee. Ordered to be printed.
- * * * * *
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1887-8.

SYDNEY HYDRAULIC-POWER COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 10th February, 1888,—“*The Sydney Hydraulic-power Company's Bill*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose * See List, page 7. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Title.

J. GARRARD,
Chairman.

*No. 3 Committee Room,
Sydney, 22nd March, 1888.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 16 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. Garrard,	|	Mr. Lees,
Mr. Day,	|	Mr. Wall,
	Mr. Barbour.	

Mr. Garrard called to the Chair.
Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.
Printed copies of the Bill referred, together with original Petition to introduce the same before the Committee.

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).
Thomas Samuel Parrott, Esq., C.E., called in, sworn, and examined.
Room cleared.

Committee deliberated.
Ordered,—That W. Gardiner, Esq., V. Petherick, Esq., W. C. Bennett, Esq., and Thomas Rowe, Esq., be summoned to give evidence next meeting.
[Adjourned to Wednesday next, at half-past Ten o'clock.]

WEDNESDAY, 22 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.

Mr. Barbour,	|	Mr. Day,
	Mr. Wall.	

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).
William Gardiner, Esq., called in, sworn, and examined.
Witness withdrew.
William C. Bennett, Esq. (*Commissioner for Roads*), called in, sworn, and examined.
Witness withdrew.

Thomas Rowe, Esq., called in, sworn, and examined.
Witness withdrew.
Vernon Petherick, Esq., called in, sworn, and examined.
Room cleared.
Committee deliberated.
Ordered,—That J. Macdonald, Esq., Mr. T. Bunce, and Mr. F. J. Appleby, be summoned to give evidence next meeting.
[Adjourned to Friday next, at half-past Ten o'clock.]

FRIDAY, 24 FEBRUARY, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.

Mr. Wall.		Mr. Barbour.
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Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).
John Alexander Macdonald, Esq., called in, sworn, and examined.
Witness withdrew.

Mr. Thomas Bunce, called in, sworn, and examined.
Witness withdrew.
Mr. Frank J. Appleby, called in, sworn, and examined.
Room cleared.
Committee deliberated.
Ordered,—That Messrs. E. O. Moriarty, E. L. Jones, and Henry Gorman, be summoned to give evidence next meeting.
[Adjourned to Thursday next, at half-past Ten o'clock.]

THURSDAY, 1 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.

Mr. Barbour.		Mr. Wall.
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Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).
William Gilmour Murray, Esq., called in, sworn, and examined.
Witness withdrew.
Edward Orpen Moriarty, Esq. (*Engineer-in-Chief for Harbours and Rivers*), called in, sworn, and examined.
Room cleared.
Committee deliberated.
[Adjourned to Tuesday next, at half-past Ten o'clock.]

TUESDAY,

TUESDAY, 6 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.
Mr. Day, | Mr. Lees,
Mr. Barbour.

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).

Alderman Michael Chapman called in, sworn and examined.

Witness withdrew.

John Trevor Jones, Esq. (*City Engineer*), called in, sworn, and examined.

Room cleared.

Committee deliberated.

Ordered,—That J. T. Jones, Esq., and His Worship the Mayor of Sydney be summoned to give evidence next meeting.

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

TUESDAY, 13 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.
Mr. Barbour, | Mr. Lees.

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).

John Trevor Jones, Esq., called in and further examined.

Room cleared.

Committee deliberated.

Ordered,—That His Worship the Mayor and Alderman Chapman be summoned to give evidence next meeting.

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

TUESDAY, 20 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.
Mr. Barbour, | Mr. Lees,
Mr. Wall, | Mr. Day.

Present:—Ernest Broad, Esq. (*Solicitor for the Bill*).

Alderman Michael Chapman called in, and further examined.

Witness withdrew.

The Chairman left the Chair, and (*on the motion of Mr. Wall*), Mr. Barbour was elected Chairman *pro tem*.

Jacob Garrard, Esq., M.L.A. (*a member of the Committee*), sworn and examined in his place.

The Chairman resumed the Chair.

William Gardiner, Esq., called in and further examined.

Witness handed in correspondence between Messrs. Parrott and Cameron and Messrs. Coates & Co.

(*See Appendix A.*)

Witness withdrew.

William Thomas Poole, Esq., called in, sworn, and examined.

Witness withdrew.

Thomas Samuel Parrott, Esq., called in and further examined.

Witness handed in correspondence between Messrs. Parrott and Cameron, and the Municipal Council of Sydney. (*See Appendix B.*)

Room cleared.

Committee deliberated.

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

THURSDAY, 22 MARCH, 1888.

MEMBERS PRESENT:—

Mr. Garrard in the Chair.
Mr. Barbour, | Mr. Lees,
Mr. Wall.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 and 2 read and *agreed to*.

Clause 3 read, amended,* and *agreed to*.

Clauses 4 to 10 read and *agreed to*.

Clause 11 read, amended,* and *agreed to*.

Clause 12 read and *agreed to*.

Clause 13 read, amended,* and *agreed to*.

Clause 14 read and *agreed to*.

Clause 15 read, amended,* and *agreed to*.

Clauses 16 to 18 read and *agreed to*.

Clause 19 read, amended,* and *agreed to*.

* See Schedule Amendments

Clause 20 read and *agreed* to.

* See Schedule
of Amendments

Clauses 21 to 24 read,* amended, and *agreed* to.

Clauses 25 to 34 read and *agreed* to.

New* clauses 18, 34, 35, 36, 37, 38, and 39 read and *agreed* to.

Title read,* amended, and *agreed* to.

Chairman to report the Bill with amendments to the House.

SCHEDULE OF AMENDMENTS.

Page 1, title, line 4. *After* "Buildings" *insert* "for Electric Lighting"

Page 2, clause 3, line 50. *Omit* "adjacent"

Page 4, clause 11, line 25. *Omit* "one" *insert* "seven"

Page 4, clause 11, line 25. *Omit* "day" *insert* "days"

Page 4, clause 13, line 58. *Add* to clause "And for the further time (if any) not being more than twelve months on the whole during which the soil so broken up shall continue to subside"

Page 5, clause 15, line 23. *Omit* "twenty" *insert* "fifty"

Page 6, clause 19, line 30. *Omit* "to" *insert* "or"

Page 6, clause 21, line 45. *Omit* "twenty-four hours" *insert* "seven days"

Page 7, clause 22, line 3. *Omit* "twenty-four" *insert* "eight"

Page 7, clause 22, line 8. *Omit* "twenty-four" *insert* "eight"

Page 7, clause 23, line 14. *Omit* "twenty-four" *insert* "eight"

Page 7, clause 24, line 36. *After* "Promoters" *omit* remainder of clause.

Page 5. *Insert* the following new clause to stand clause 18 :—

Notice of alteration of situation of pipes.

18. If at any time any local authority should think it necessary or expedient to require the promoters to raise or sink or otherwise alter the situation of any of the pipes which shall be laid down for the purposes of the promoters, or to alter the situation of any pipes which shall have been laid down contrary to any of the provisions of this Act, the promoters shall within ten days next after being required so to do by notice in writing, raise or sink or otherwise alter the situation of such pipes according to the notice, and in default thereof it shall be lawful for the local authority to cause such pipes to be so raised or sunk or the situation thereof otherwise altered, and the expense of doing the work shall be paid by the promoters or repaid by the promoters, and such expenses shall be recoverable in the same manner as damages are recoverable under this Act: Provided that the promoters be not called upon to make such alterations in the situation of their pipes unless such alteration be necessary for the carrying out of city improvements or municipal works.

Page 8. *Insert* the following new clauses to stand clauses 34, 35, 36, 37, 38, 39 :—

Power of the corporation of Sydney to purchase at prescribed periods.

34. The corporation of the city of Sydney within whose limits the undertaking, property, and apparatus of the promoters or any part thereof passes or is situate may, after the expiration of twenty years from the date of the passing of this Act or at the expiration of each succeeding ten years thereafter, by giving six months' notice in writing, require the promoters to sell, and thereupon the promoters shall sell to the corporation of the city of Sydney the undertaking, property, apparatus, and business of the promoters upon the terms of paying to the promoters the then value thereof, such value, in case of difference, to be determined by three arbitrators, or any two of them, one of whom shall be appointed by the corporation of the city of Sydney so purchasing, another by the promoters, and the third by such other two arbitrators before they proceed in the arbitration. If either the corporation of the city of Sydney so purchasing or the promoters shall neglect or refuse to appoint an arbitrator pursuant to the above provision for two calendar months after the other of them shall have appointed an arbitrator and given notice thereof to the other of them, then the arbitrator already appointed shall appoint a second arbitrator and such two arbitrators shall jointly appoint the third arbitrator. When any such sale has been made all the rights, powers, and authorities of the promoters in respect to the undertaking, property, apparatus, and business shall be transferred to, vested in, and may be exercised by such corporation of the city of Sydney.

As to appointment of arbitrators

When sale made, rights, &c., of promoters to vest in and may be exercised by corporation.

Moiety of excess of net profits over ten per cent. to be set apart to secure the handing over of the works in good repair, and to be applied in or towards the purchase money payable by the Corporation of Sydney.

35. When the net profits earned by the promoters shall exceed ten per centum per annum on the capital invested in the undertaking, property, apparatus, and business, one moiety of such excess shall be paid by the promoters to trustees to be appointed as hereinafter provided. And such trustees shall invest the same, and the interest to accrue due thereon on behalf of the corporation of the city of Sydney, so as to accumulate the same by way of compound interest, and when and if the corporation of the city of Sydney shall exercise the right of purchase hereby conferred, then the said trustee shall apply the amount of the aforesaid investment in or towards payment of the amount of purchase money agreed or awarded to be paid the promoters by the said corporation, and shall pay over the balance of the said investment (if any) to the promoters.

As to appointment of trustees.

36. The trustees aforesaid shall be appointed in manner following: one trustee shall be appointed in writing by the Corporation of the city of Sydney, one trustee shall be appointed in writing by the promoters, and the third trustee shall be appointed by the said two trustees so appointed, and as often as any trustee shall die or desire to be discharged from or refuse or become unfit or incapable to act in the trust aforesaid, another trustee shall be appointed in his place by the same persons or corporation by whom such trustee occasioning the vacancy was appointed.

37. The promoters shall and are hereby required to *bonâ fide* commence their works within two years from the passing of this Act, and in the event of their failing to do so, and of such failure being certified under the common seal of the Mayor and Aldermen of the city of Sydney, and published in the *Government Gazette*, all the powers and authorities conferred by this Act shall thereupon *ipso facto* cease and determine to all intents and purposes whatsoever. Powers of promoters to cease in the event of their not commencing works within two years.

38. If at any time the promoters discontinue the undertaking for a period of twelve months, such discontinuance being proved to the satisfaction of a judge of the Supreme Court who shall try the issue of fact as not having been occasioned by circumstances beyond the control of the promoters, then and in such case, all the pipes of the promoters laid in the streets shall belong to and vest in the corporation of the city of Sydney. In this section "circumstances beyond the control of the promoters" shall not include the want of sufficient capital or funds. Penalty for discontinuance of operations.

39. The maximum price to be charged by the promoters for water supplied to the public at seven hundred pounds pressure shall not exceed twelve shillings and sixpence per one thousand gallons. Maximum price to be charged for water.

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1887-S.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SYDNEY HYDRAULIC-POWER COMPANY'S BILL.

THURSDAY, 16 FEBRUARY, 1888.

Present:—

MR. BARBOUR,
MR. DAY,

MR. WALL.

MR. GARRARD,
MR. LEES,

JACOB GARRARD, Esq., IN THE CHAIR.

Ernest Broad appeared as Solicitor on behalf of the promoters of the Bill.

Thomas Samuel Parrott, Esq., called in, sworn, and examined:—

1. *Chairman.*] What is your profession? That of civil engineer and surveyor.
2. You are practising your profession in Sydney? Yes.
3. How long have you been practising your profession in Sydney? About ten or twelve years.
4. Where did you obtain the primary instruction in your profession? In New South Wales.
5. You have recently made an extended tour through Europe, have you not? Yes.
6. Devoting your attention principally to improved mechanical improvements? Primarily, in connection with the proposed scheme for supplying Sydney with hydraulic-power. That was the primary object of my visit.
7. Have you read the Bill before the Committee? Yes.
8. Its object is to grant certain powers to the promoters for the purpose of bringing hydraulic-power into use in the city of Sydney? Yes.
9. You have seen this hydraulic-power in use in other countries? Yes; in London particularly—that is, hydraulic-power as a general supply. Of course in almost every important city in the world it is in use in separate installations, but in London it is particularly remarkable as regards the general supply to the city. In Europe all important docks, and many factories, and works of all kinds, have isolated installations of hydraulic-power; but London is remarkable for the development of a system of general supply in precisely the same manner as gas is supplied to all consumers.
10. Is this hydraulic-power superseding to any extent steam-power? As a general supply, yes.
11. Perhaps the better way would be for you to give an explanation of this hydraulic-power. Will you give us an explanation, for instance, of the London scheme? The system of general supply by hydraulic methods is not very general. There are only certain cities in the world that have adopted it. It was first carried out in the town of Hull, in England, as a general supply to the town.
12. They have very extended docks there, have they not? Yes; but it was more to accommodate the requirements of the warehouses and stores in Hull that it was introduced as a general supply. It had already been in use in the docks, and its use in the docks led to the idea that it would be economical to adopt it for general lifting and hauling purposes in the town.

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13.

T. S.
Parrott, Esq.
16 Feb., 1888.

13. How long since is that? Some twelve years ago. The experiment in Hull was so successful that it was suggested a few years afterwards to apply the same system to London, and, after some little time, an installation was made in the city of London, and it was working, I think, about five or six years ago. Of course I am speaking of the general supply to the city, because I should like to explain that there are local and isolated installations. But, notwithstanding the general development of the London scheme, they have hardly arrived yet at the enormous power of some of the isolated installations in the London docks, that is in the development of the power required over a large area of the city. Still, they are increasing it so rapidly that it will very soon go beyond the power required by any single installation. In London I examined very critically into the working of the general supply system as applied to that city, and the result of my examination of the system there was a conviction that it would be eminently adapted to some of our colonial cities, especially Sydney. Through the courtesy of the directors of the London Company, I, several times, met them as a body to bring under their notice some of the conditions which would have to be met in supplying such a power in Sydney, and was able to elicit from the directors and their engineers their views as to the suitability of such a scheme for Sydney. I should like to say that they were strongly impressed with the suitability of Sydney as a place for the introduction of such a scheme. The reason of that was that Sydney is really the storehouse or supply depôt for almost the whole of a very large colony. In England it is different. The commerce of England goes out from England and comes into England at various points; but New South Wales is a very large colony, and nearly the whole of the supplies come into Sydney while the exports go out of Sydney. Therefore it is essentially a city where a large amount of work has to be done of a nature that is eminently adapted to receive the application of a general supply of power. I put the matter before some experts in London, and they coincided with my views. But even in London, large as the city is, and much as the commerce is concentrated, there are circumstances which make it possible that the supply of power over parts of the city is not so suitable as it is in Sydney. There are large areas in the city of London, even where the power-pipes are laid, where the power is not likely to be required—parts, for instance, where there are comparatively small shops and buildings. Sydney, however, is essentially a city of warehouses, stores, and large offices, and the shipping of the whole Colony—and this is a very important matter in connection with power supply—is concentrated in and about the city. Then, through the courtesy of the engineers and the people connected with the London Company, I was able to see into the practical working of the system in London; and the first thing that is remarkable is the simplicity with which its operations are carried on. The power, although it is called hydraulic-power, is really developed by steam. In London the power is developed at a central station near Blackfriars Bridge, on the south side of the river, in a comparatively small space, on a piece of ground that I think was originally leased by the company. Four sets of engines were erected for developing the power, each of which was, I think, of 200 horse-power. Up to the time I visited these works only two of these sets of engines were in use. It is a principle with these operations in London that a certain amount of power shall be held in reserve. Four sets of engines were erected, but up to quite a recent date the demands of consumers had brought into use only two sets of engines. These two sets are kept constantly working, and the other two are held in reserve to meet an increased demand or any emergency which may arise—any extraordinary consumption of power throughout the city. In the same way two accumulators are erected on the premises. One of them is constantly working, and the other, at the top of the stroke, is held in reserve in the same manner as the two sets of engines. The whole thing is made to work automatically. The men employed on the premises are there simply to see that nothing goes wrong, and in no way to interfere with the accumulators or the working of the engines, or anything of that sort.

14. Do they utilize the Thames water? The water used is from the Thames, but it is filtered before it can be used. It is pumped into tanks at the top of the engine-house. It is filtered by a very simple process, and then passed down into the pumps for pumping into the system.

15. To arrest any sediment in the water or salt? It is not the salt they would concern themselves about in that water; it is simply to get a deposit of muddy sediment which is in the water. I saw several bottles of water after it had been filtered. It is not very clear water, but sufficiently clear for use for power purposes. They are using it now for this purpose.

16. Of course the consumption is increasing every day? Every day there are, I think, new consumers being introduced. I think the consumption now is something like 300,000 or 350,000 gallons a day. Then after it is used in the London cistern the water is passed from the consumers into the sewers.

17. How are the customers supplied from the accumulators? The method of supply is a very simple one, and the question might almost be answered by referring to the method of conveying gas from the central developing station such as we have here, except that in the case of power supply, the pipes, on account of the high pressure, which is 700 or 750 lb., need only be very small. The hydraulic-power pipes are only 6 inches; they have some in London 9 inches, but I think they have very few of them.

18. Wrought-iron or cast-iron pipes? Cast-iron pipes. I made particular inquiries upon that point. From the central station these pipes are laid over the whole area that it is desirable to supply with power.

19. Under ground? Yes, in London; under the roads. I may say that in London it causes them a great deal of trouble, because a great number of its streets are laid in a very expensive manner with the *val de travers* asphalt. I saw in many of the streets openings being made to these power-pipes for the purpose of laying on power to the consumers. Of course the cutting up of roads of that sort is a very troublesome matter. Partly in consequence of that fact we have asked, I think, in our Bill for power to lay the pipes under the foot-paths in the case of Sydney, or under the water-tables, or in any way that would not involve the tearing up of the roads. We propose to reduce this work to as simple a matter as possible.

20. As to returning the water to consumers? These 6-inch pipes are laid through the principal thoroughfares of London, and over the whole area which it is required to supply with power. Between these pipes, in smaller circles, pipes of smaller diameter are used to supply the same power to other intermediate consumers. When I speak of 6-inch pipes I mean it to be understood that these are really the mains, stretching away to a great distance from the central pumping station. As a matter of fact, the pipes going from Blackfriars Bridge have already reached a point beyond the Victoria Station, a distance, I think, of over 2 miles. It will convey an idea of the efficiency of the system when we understand that in the whole of that distance the consumers are very numerous. Along the banks of the Thames, in the large buildings and offices which line the whole distance, the consumption of power is very great; but notwithstanding

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- notwithstanding that, they are able to supply power beyond the Victoria Station nearly at the same pressure that it is developed at Blackfriars Bridge.
21. Nearly at the same pressure? Yes; it is hardly possible to detect any loss. In the case of London, I was going to say, the water, of course, coming from the Thames, and being therefore inexpensive, is returned to the sewers after use.
22. Direct from the consumer's premises? Yes. Before reaching the consumer's premises the water has to pass through a meter precisely the same as gas does, in order that the company operating the power may know how much power-water is consumed on each of the premises.
23. Are water-meters more reliable there than they are in Sydney? I have never heard of any complaints against the meters in London.
24. *Mr. Lees.*] Is it charged for by meter? Yes; at so much per thousand gallons.
25. *Mr. Wall.*] In the places where the power is used, does it lessen or increase the danger or risk of fire? The power in the water is eminently adapted as a fire-extinguisher.
26. *Chairman.*] Can you explain how this power can be applied under a low-pressure system of water, for fire-extinguishing purposes? An engineer in England has designed a machine, very similar to a Gifford Injector, which receives the water from the newer mains, and at the same time receives water from the common mains. The power-water is able to lift and bring under pressure the low-pressure water. In that way the water is used as a power and not as an extinguisher, which may be brought to bear on a low-pressure system in case of fire.
27. *Mr. Wall.*] You think that the adoption of this system of hydraulics would lessen the risk of fires in the city? Undoubtedly; that is only one way in which the risk would be lessened. But there is another very important matter. The power-pipes, that is, small pipes, may be introduced into some of our high buildings in the city for fire extinction purposes specially.
28. Have you any idea of the aggregate amount of power at the present time in use in Sydney and the suburbs that would be superseded by this system of hydraulics? I do not think I am in a position to say. I have gone into the question for the purpose of working out figures connected with the introduction of this power into Sydney. I estimate that in the first year of the introduction of such power there would be something like 300 consumers.
29. That would mean 300 less fires every year, provided that each consumer used his engine in the basement of his building? Yes. Perhaps not so much as that, because I include other things besides—the operations of lifts and hoists, the loading and unloading of ships, steamers, and so on, along the wharves and jetties.
30. *Chairman.*] Are all or nearly all of the wharves in London and Hull and on the Continent operated upon by hydraulic-power? Only in London and Hull, as a general supply. I think I have already explained that the system is not in general use. It is only coming into general use now. Following upon the success of the operations in London, the people of Liverpool at once saw the advantage of it in such an important place as theirs, and I think about three years ago they followed the example of the capital.
31. Is there less danger attached to the use of water at a pressure of this kind than to the use of steam? Than the use of steam, or compressed air, or any other power.
32. Wherein lies the danger? The only danger I know of can be from leaks or the bursting of the pipes. At all events, within my knowledge no serious accident has ever happened. I know that with regard to the London supply no accident of any note has yet happened. In the first two years there were one or two leaks.
33. *Mr. Lees.*] Leaks or bursts? Leaks at the joints. They discovered the reason of them, and they have altered the design of the pipes so as to give a greater efficiency to the same pipe of something like 50 per cent.
34. *Chairman.*] You spoke of cast-iron pipes; what is the thickness of the pipes that would stand such a pressure as 700 lb.? About an inch and a quarter.
35. Does your Company propose to use cast-iron pipes or wrought-iron? I am endeavouring to bring about the use of wrought-iron or steel pipes, but in the meantime the assurance of engineers in London is that cast-iron pipes are quite sufficient for the work. As a matter of fact they are using them to-day.
36. *Mr. Lees.*] Do you know of any instance of flooding at all? No.
37. *Mr. Day.*] I suppose that, in the interests of the Company, you would be sure to use the very best description of material for the pipes? It is a necessity in the construction of these strong pressure cast-iron pipes.
38. And for the profitable working of your scheme? Yes.
39. *Mr. Wall.*] In the event of a leak occurring in any particular pipe, could you shut off the force supplied to these pipes? Provision is made in London for cutting off the power by stop valves at something like every 400 yards.
40. *Mr. Lees.*] Everything beyond the leak would be valueless as far as power is concerned? That is assuming the leak to be of a very formidable character.
41. Suppose the leak occurred about the middle of the system, would the latter part be void of power while the supply was shut off? It would have to be shut off on both sides of the leak, but there are circuits in our scheme; wherever a circuit can be secured, one is got.
42. *Mr. Wall.*] In the event of a leak taking place, the force would necessarily eject the water through the leak? Yes.
43. Would it be in your power to shut off the water so as to prevent that force from causing an outflow? Yes; by stop valves at each side of the leak.
44. So that there would be no risk of flood at any particular place where a leak would break out? No; the only trouble would be with regard to the consumers whose places were near the pipe where the leak occurred.
45. *Chairman.*] Is this power used in connection with lifts in London as well as docks and wharves? Yes. I would like to mention some of the uses to which hydraulic-power may be applied by the public supply system. It may be applied to hydraulic presses, wharf and warehouse cranes, platform cranes, foundry cranes, movable cranes, hydraulic freight lifts, hydraulic passenger lifts, grain elevators, bridges and dock gates, hydraulic capstans, hydraulic coal tips and cranes, electric lighting, differential pumps (for lifting water or sewage), fire-extinguishers, railway gates signals, and switches, hydraulic rivetting, and hydraulic punching and shearing. It is also used in London very largely for builders and contractors

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contractors plants. When a builder or a contractor has to erect a large building, where of course enormous quantities of stuff have to be lifted to a considerable height, he at once applies to the power company for a certain quantity of power. It is at once laid on to the site of the building. A meter is placed there, and the power is used during the time the building is being erected.

46. What water do you propose to use, salt or fresh? We are asking power to use either salt or fresh water; but the idea of the Company is to use only fresh water.

47. I presume if you use salt water there will be a danger of the pipes, &c., being incrustated with salt? Not so much danger to the pipes as to the smaller parts of the valves and connections. I consulted some of the most eminent chemists in London, and they advised me that we could use salt water without any danger; but, at the same time, I am convinced that there would be a good deal of trouble in regard to the smaller parts of the valves and connections, and that sort of thing.

48. If you used salt water each consumer would return his used water into the sewer, as in London? Yes.

49. Would you use fresh water if you had to pay for it? We propose to return as much of it as will gravitate back to the central station.

50. *Mr. Lees.*] Where do you propose to get it from? Our present idea is to take it as ordinary consumers from the authorities who at present supply the city with water.

51. *Chairman.*] What would be your actual consumption—how much do you anticipate you would be able to get back to the central station? I think about three-fourths over the city of Sydney.

52. Your power station would be very low? Yes.

53. With 300 consumers how much water would you use a day? About 200,000 gallons a day.

54. *Mr. Barbour.*] At what time of the day would you expect it to return? It would be continuously returning.

55. You have one line of pipes specially to return used water? Yes. It would be an actual necessity if we used fresh water. It is a question whether we shall adopt the system. It nearly doubles the cost of laying the pipes.

56. You could not return it by the power-pipe? No; it is actually spent power.

57. In what way is the power applied in case of fires? By means of these hydrants.

58. What does it act upon? Upon the common water, the city water.

59. How would you take it from the mains so as to apply your force in case of fire? There would have to be connections along the city mains with the power mains and these injectors introduced at those points.

60. *Chairman.*] Where the present water plugs are for instance? It would have to be at shorter intervals. Of course, before that was done, it would have to be a matter of mutual understanding between the water authorities and the power. No water would get back to the main. This pressure water we always understand to mean power, not water.

61. Does the Bill provide for the local authorities having the supervision of all these works? Yes. We could not carry out a work of this sort, except in conjunction with the city authorities.

62. Is there anything in the Bill which gives the promoters exclusive rights over everybody else; will it prevent anybody else coming to the Legislature for power similar to yours? Nothing whatever.

63. *Mr. Wall.*] Have the municipal authorities considered the Bill? No; we brought the movement under the notice of the city authorities some time back, but I do not think that our communication has been brought before the Council.

64. *Chairman.*] What is the ordinary pressure exercised by our ordinary mains in the city of Sydney? I suppose that the average would be 30 or 40 lb.

65. You could apply power at the rate of 750 lb.? Yes.

66. And you could graduate that power if necessary by an injector? Yes.

67. It is not absolutely necessary that in applying your power for fire-extinguishing purposes your enormous force shall be used. You could graduate it to a pressure of one? It could be brought down to five, and through intensifiers it could be taken up to 2,000 lb., if it is introduced into factories. There are factories here which would require, I think, about 3,000 lb.; I mean tobacco factories. 750 lb. could be made use of in all these factories. As a matter of fact some machinery is now being made use of in one of these factories in Sydney in quite a makeshift manner in the hope that this power may be introduced here, when the machinery adapted to the reception of this power will be introduced into this factory.

68. *Mr. Lees.*] Is that Saywell's factory? No; Cameron's.

69. *Mr. Barbour.*] What is the nature of the accumulator? It is simply a large body pressing on the water, and gives the water that pressure which you wish to get. In the case of hydraulic-power supplies 750 lb. is considered to be the most economical and efficient. It could be raised to 1,000 quite easily by weighting the accumulator. Of course, the steam-engines drive the water until the accumulator is lifted, then the water is at that pressure which it derives from the accumulator being weighted up to a certain given weight.

70. The accumulator is a kind of gasometer? It is an artificial head of water.

71. Unless you had plenty of continuing power it would be of only momentary application? Yes. This is really not an hydraulic-power. The powerful engines have to keep the accumulators up. It is a power developed at one point by steam, and transmitted by means of water.

72. You develop power at this point, and you can have it a mile away without any loss of power? Yes.

73. *Chairman.*] This main would not be subjected to an irregular pressure. It would always have the same pressure? Always the same.

74. I suppose your experience teaches you that where steam-pipes burst, &c., it is usually owing to unequal pressure—sometimes 50 lb., and other times 150 lb. In this case it can never be so? No; the accumulators always are a protection against that. The accumulator is weighted to something like 80 or 90 tons for 750 lb. That produces the pressure. The water to lift that weight has to be under a pressure of from 700 to 750 lb.; so, having accumulators constantly kept up by steam-engines, the pressure is always available throughout the whole system wherever it is wanted.

75. Is this a greater pressure than any other power would give? Yes, certainly. I may say that in New York, a few years ago, an effort was made to introduce a power supply by means of steam very similar to the London power supply. It has partly failed, but it is still, to some extent, in use for a considerable number of months in the year for heating purposes. There is a great deal of heating required in New York in the winter months. Nearly the whole of the buildings are heated by steam. Although their intention was to apply steam-power, they have failed in that respect.

76. *Mr. Barbour.*] The steam is too easily got rid of; it is too volatile? Yes.

77.

77. *Mr. Lees.*] What was the principle in use in Hull before the introduction of this process? Ordinary mechanical appliances for lifting goods into warehouses.
78. Did the adoption of this system interfere with the general arrangements in any particulars? I believe not. In Hull, of course, they had to gain much experience, but I think the company always met with the support of the people in overcoming any difficulties. The difficulties were, I think, nearly all mechanical.
79. Did any existing interests suffer to any great extent? I believe not.
80. How long has it been in vogue in London? About five years.
81. *Chairman.*] As a general installation scheme? Yes. During the whole of that time new consumers have been taken on daily; but in no instance up to the present time has a consumer, having once taken this power, been known to abandon it for any other method. He has a perfect right to do so, and he has every facility to that end. He need only give notice that he no longer wants the power; it would then be taken off, and he would be at liberty to adopt any other method he liked.
82. *Mr. Lees.*] Was Hull supplied with water the same way as Sydney, by gravitation? I fancy so, but I am not sure.
83. Would the introduction of a new supply into the present city mains add to the water pressure to so great an extent as to bring about some of the advantages of this scheme? It would increase the pressure in the pipes. That, I believe, is going to be the practical result of the new scheme. It will give a higher head of water than we have at present; but if it were twice the head it is now it would not affect the proposal to introduce a power scheme at all.
84. *Chairman.*] Can you tell us the power exerted by Waverley, the highest reservoir, to the lowest part of the city? I do not know what it is from memory, but it is something essentially belonging to low pressure. I would like to add, that in a city in America, I forget the name, which had an existing water supply which gave them a power of something like 150 lb., they introduced a power scheme for power purposes.
85. Was that pressure obtained by pumping, or by a gravitation scheme? Originally I say they had a gravitation scheme.
86. The water, which goes by gravitation to Crown-street, has to be pumped up at a large expense to Waverley, in order to get a pressure of 150 lb.? Yes.
87. You do not get this pressure by natural means? No; I might point out that the pressure in Melbourne is very much greater than it is in Sydney, but that is not taken into consideration in any way in discussing the same question as we are discussing now. The necessity for introducing a power scheme in Melbourne was considered just as great as it is here, although they had a natural water supply with double the pressure we have in Sydney. I might further add that this natural pressure in Melbourne has been used—this natural pressure which is so much greater than we can get from our new scheme, and the inconvenience, I believe, has been very great. In summer time, and on hot days, the working of the lifts is almost stopped. Another important matter is that the working of the lifts in that city is, I believe, involving an expenditure of water of something like 500,000 gallons a day. The company only use water for transmitting power.

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WEDNESDAY, 22 FEBRUARY, 1888.

Present:—

MR. BARBOUR, | MR. DAY,
MR. WALL.

JACOB GARRARD, Esq., IN THE CHAIR.

Present:—Ernest Broad, Esq., Solicitor for the Bill.

William Gardiner, Esq., called in, sworn, and examined:—

88. *Chairman.*] You are a wholesale warehouseman carrying on business in Sydney, and also in London? Yes.
89. I believe you have recently returned from England? Yes; about six or seven months ago.
90. You are one of the promoters of this scheme for forming an hydraulic-power company? I am.
91. Are you acquainted with the mode of dispensing this water-power adopted in London? Yes; I have given a great deal of attention to it, and understand it possibly as well as most laymen. We have adopted the same principle at our warehouse in Sydney, and I would suggest that if the members of the Committee went to the warehouse they would see the identical thing that is proposed for the city, only on a small scale. We generate our own power by means of two gas-engines. We have an accumulator of about 30 tons. For the city two accumulators would be wanted of possibly 150 tons each, but precisely in a similar way. By a visit to our warehouse the Committee will be able to see precisely what it is proposed to do for the city. It would be better than taking any amount of evidence, for you could understand in a quarter of an hour exactly what is proposed.
92. I believe you have recently built a large warehouse of several stories? Yes.
93. And I suppose it was actually necessary for carrying on your business that you should have some power similar to this? Quite so.
94. I understand that you have been obliged to generate this power on your own premises? Yes; by means of two gas-engines. We have six lifts. When three lifts are going the one engine will serve, but when the six lifts are going we need the two engines, so that we have always one engine in reserve in case of a breakdown.
95. If a power for general consumption had been obtainable you would of course have availed yourself of it? Yes; it would have saved from £1,000 to £1,200.
96. And you think that the supply of this water-power would be a great convenience to the people of Sydney? An immense convenience.
97. You believe it would be largely availed of by persons requiring the use of power? I do. I took this thing in hand a good deal myself, and I did it because I believed thoroughly in it. It is not a catch-penny idea.

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- idea. I am not going for a lot of promotion-money, and that sort of thing. The promoters have disregarded that in this matter. They have gone into it mainly in the endeavour to give a good thing to Sydney. I have gone about London, and seen what is being done there. The pipes run along the mains in the streets, and you have simply to carry in a pipe the same as you carry in your gas-pipe or water-pipe, and you are supplied with the power for lift purposes, or driving any machinery. You simply take in your water from a pipe in the main, and you pay for your water by meter. You have no engineer to pay, no expensive machinery to maintain, but this water-power is brought to your door and you simply use it.
98. Of course the London company to which you referred must have obtained the permission of the City Corporation? They did. I believe Mr. Parrott can give you all those particulars. I believe he has a copy of the London Bill. But, broadly speaking, the facts are these—the company are allowed to take water to the extent of half-a-million gallons of water per day from the Thames for nothing, on condition that they throw it back through the sewers. It goes back through the sewers, and flushes them into the Thames again. They get their water for nothing.
99. I was referring more particularly to the question of breaking up the streets for the purpose of laying down the pipes? The same thing has been done in London. You constantly see the streets broken up for these pipes in the same way that they are broken up for other pipes. They are just now installing it at Liverpool. It has been at work at Hull for many years; in fact, it originated there. You have no idea of the convenience it is to the many people in London who have lifts, and who have been enabled to take out the old machinery and utilize the space. They have not got to keep an engineer to attend to the machinery.
100. Can you give us any evidence as to the applicability of this power to fire-extinguishing purposes? They say that by means of a Gifford Injector you can inject a very small jet of about one-eighth of an inch of water into the fire hose, and you can drive it over a church or any other high building with tremendous force; in fact, you would be able to put out fires very much more rapidly than by the present method.
101. You say that in London they return the Thames water back by the sewers. Do you propose using fresh water here? I believe fresh water would be preferred. Salt water can be used, but I am not quite sure whether or not it would be quite as good.
102. Is not the Thames water salt at Blackfriars Bridge? No, perfectly fresh.
103. I believe you have already approached the City Council and laid this matter before them? We have; but, unfortunately, there is a misunderstanding, for which we are extremely sorry, but which we cannot understand. We have been at the City Council for the last three months. I believe a circular has been published, showing what has been done. Three months ago I went to the late Mayor, Mr. Riley, and had a talk with him about this proposal, and it was arranged that we should go as a deputation and explain matters. We did so. We went up in the middle of December, and explained matters to Mr. Riley. He was greatly struck with the scheme. He thought it a good thing, and said it was desirable that the aldermen should see it, and understand more about it. He asked us to write a letter. We wrote a letter, which was sent in on the 15th December, explaining the nature of the scheme, what we proposed to do, the advantages which would be conferred on the city, and so on. We waited and waited, and Mr. Parrott went and saw Mr. Riley again towards the end of the year. At the end of the year he sent in a draft bill. Then at the beginning of the year he went and saw the present mayor, Mr. Harris, and explained matters to him, and he was received very kindly, and so the matter went on. We have been at them for the last three months trying to get them to hear us, and talk over the matter, and we are extremely sorry at the attitude Mr. Harris assumed the other day, and we really cannot understand it. I am sure there is some misapprehension somewhere, because he could never have spoken like that in the face of the repeated applications we made to see the Corporation about the matter.
104. When laying these pipes in London I suppose the mains were laid down in the street itself? Yes. They are generally laid down, I think, under the side of the street, a little way from the kerb.
105. Do you purpose doing that? That would be a matter rather for the consideration of the City Council. We wanted to discuss these matters with them. It has been said by some members of our Board that it might be better, instead of laying the pipe along the street, to lay it inside the kerb on the pathway. It would then interfere less with the wooden streets. But I do not see that this could be an objection if the Company undertake to put the street in order to the satisfaction of the City Surveyor.
106. By the provisions of the Bill you undertake to keep the street in repair for three months? I believe so.
107. In fact there would be no more difficulty, and perhaps not so much, as is at present experienced in connection with gas-pipes? Certainly not so much, because the streets would not require to be broken up so frequently as is the case with gas.
108. And your mains would only be about 6 or 7 inches, as against 15 inches in the case of gas? 6 inches; not larger. Then the pipes are much stronger than gas pipes. The pipes we would put in would be subjected to a pressure of 2,500 lb. to the inch. That is the test pressure.
109. What would be your working pressure? 700 lb., so that in testing they are subject to a pressure three and a half times more than they would have to stand in working.
110. Have there been occasions when pipes have burst and accidents have occurred? Not one. I believe there was a slight leakage on one occasion in London. I was talking to the engineer of the Water-power Company, and he told me that there was some crack or flaw—a tiny little hole—in one of the pipes, which was soon discovered.
111. No damage occurred to the surrounding property? None whatever. If the pipes are tested there does not appear to be any chance of damage. The pipes are of peculiar construction, the joints being very strong, so that it is next to impossible for them to burst. They are specially made with a view to strength.
112. No monopoly is asked for by this Company, that is to say, any other company can come to the Legislature and obtain similar powers? I do not know. Of course, another company could do that, but there would hardly be room for two companies.
113. But as a matter of fact there is nothing to prevent another company applying for these powers? I believe not; I do not remember anything of the sort.
114. Supposing some one else thought that there was room for another company? I do not remember anything of the kind in the Bill.
115. *Mr. Barbour.*] In your experience in London did you hear any complaint made against the use of this power? No.

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116. And, so far as your experience went, it was approved of by most of the people there? Very much so. I can only tell you that numbers of people there, numbers of the large houses, have had their old system of low-pressure taken out and this substituted. I myself know of one house, a large house, where they use low pressure, and they told me that they would be gladly connected with the new system, but they cannot be so connected because they have all their low-pressure pipes through the building, and they would have to take up the whole thing.

117. Where are these business premises situated? Near St. Paul's.

118. *Chairman.*] What distance from the water-power site? About 1 mile.

119. *Mr. Barbour.*] Is this power cheaper than the cost under the old system? Yes.

120. Is it cheaper than any other power you know of? I think so. The power is not only cheaper, but the pipes and the plant are cheaper. I can only compare the two systems and the pipes for conveying the power by the comparison of a cart rope to a whip cord, the low-pressure system being represented by the cart rope and the high pressure by the whip cord; the low pressure would be fully twice the size of the high pressure.

121. And therefore more expensive? Yes; and it would take up a great deal more room, and the high pressure is very efficient and gives great speed. In our own place our contract was that the lifts should make a journey through the seven floors in twenty seconds, and we can make a double journey, that is up and down, in twenty-five seconds.

122. Then it has exceeded your expectations? Very much so.

123. I think you said that this Company has no intention of obtaining a monopoly? None at all that I am aware of.

124. And they do not ask in the Bill for any power giving them an exclusive application of this scheme for any number of years? I would not be sure, but I do not think so.

125. Is it the desire of the promoters to get from the Legislature a monopoly in this matter? I do not think it is. The Bill sets forth what is intended.

126. But as a director you surely know whether it is your desire? I do not think it is. Of course naturally we should hardly expect to find a competitor in the field just as soon as we begin, because it would not pay the competitor, and it would not pay us.

127. But you do not expect the Legislature to give you a monopoly? No.

128. And you come forward believing it to be a power that will be useful for the public, without desiring to put into your own pockets any considerable or long-continued pot of money? No. We will tell you in a moment all the promoters seek for, if you want to know. We have nothing to hide in the matter.

129. In the case of all private speculations of this kind the suspicion is suggested that the promoters have some pecuniary motive, and I want to know what are your expectations, in order that the public may realize exactly the manner in which you bring this matter forward? The capital of this Company is proposed to be £100,000. The promoters propose to take for their risk, and to cover the expense in carrying it through and getting the Bill passed, and all the trouble they have taken, 5 per cent. In the Melbourne Company, I believe, the promoters took 27,000 £1 shares paid up to 10s. We ask for 5 per cent. This thing has been fully discussed by the promoters, and it was thought that they ought to have had a great deal more, but it was considered better not to go in for a large sum, but to take a small amount and give the Company a good chance. I myself think that many companies are strangled simply because of the heavy promotion expenses.

130. *Mr. Day.*] Where do you propose getting the water from? That would be a matter for discussion with the City Council or with somebody in connection with the Government or the waterworks. We can not say at present what will be done in this respect. There are many ways of getting the water. We could of course get it from the waterworks and pay so much for it; we could use salt water, and take it from the harbour, or we might possibly get water from the old Botany works, or sink for it. There are various ways of getting water.

131. I suppose that if you used salt water it would be useful for flushing the sewers? I suppose so.

132. It would not injure the sewers? That would be a matter for the engineers to decide. I do not know whether it would or not.

133. Supposing the authorities refused to allow you to run it into the sewers, fearing injury from it, you would have to carry it back to the sea? We could simply use the salt or fresh water over and over again. We could have a circular service. For instance, in our own store we have a 400-gallon tank which does the work of our six lifts. The water simply goes round and round.

134. Would there be any difficulty in laying these water pipes under the foot path? I should think not. That again is a matter for the city authorities to determine.

135. But where do you think would be the best—you have had experience in these things? In London, the pipes are laid outside the kerb. One or two members of our Board, and particularly one, who is a very practical man, suggests that it would be better to lay them inside the kerb on the foot path, but that is a matter for the city authorities to determine.

136. Are wooden blocks used in London? Yes; most of the city is paved with wooden blocks and asphalt. They put the asphalt down in the shape of hot powder and ram it.

137. *Chairman.*] It would be more expensive to interfere with that than even with the wooden blocks? Yes; but the Company has to bear that expense. If the streets are taken up the Company has to relay them to the satisfaction of the City Surveyor.

138. But it is very difficult to properly relay streets broken up like that? It is constantly done in London.

139. But from what you know of the matter do you not think it would be better to lay the pipes inside the kerb on the foot path? I have no experience to guide me. One of our members who has great practical experience in these matters says it would be, but we are quite willing to be guided by the authorities.

140. What would be about the expense of the water-power required for such lifts as we have in this city? A good deal would depend upon the size of the ram and what the lift had to do.

141. What would be the cost (say) of 1,000 gallons? In London they pay various prices, ranging from 2s. 6d. upward, or from about 1s. 6d. or 2s. for large quantities.

142. At any rate this system would be far cheaper than the machinery system? Yes. In our own establishment we saved from £1,000 to £1,200, the amount which would be sunk in machinery to generate the power.

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143. That is for construction—what would you save annually in maintenance? I do not know that we have saved much, because what we have paid for water would simply go against other expenses.
144. Is there not at present some expense for supervision of your gas engine and so on? Undoubtedly you would save your engineer expenses. You simply pay for your water instead.
145. *Mr. Barbour.*] We are desirous of knowing the relative cost of the present system, as compared with the proposed new system? I have not got the exact figures, and it is a matter in which I have not had any direct practical experience.
146. You must have made some calculations when you were induced to adopt this new system in preference to the old one? The inducement was greater efficiency and a less cost. Mr. Selfe, a very eminent engineer in this line, planned our lifts on the low-pressure system with a tank of water on the roof, and the tank altogether would be about 70 tons. In consequence of this high-pressure system coming to the fore so much in England, I went into the thing thoroughly, and concluded that the high-pressure system was much better and much cheaper, and went away from Mr. Selfe's plans, and, with considerable difficulty at such a distance, got the high-pressure system instead of the low-pressure. We had to use his measurements for a high-pressure system as well as we could. That is the most conclusive testimony I can give of my appreciation of the system.
147. But you formed no estimate? About £1,000 in the construction.
148. And as to the relative cost per annum and the amount saved in the future? I think there would be a saving in the valves.
149. And there is only one engineer instead of two for the two gas-engines? Yes. In the low-pressure system most of the valves have leather. These leathers wear out. In the new system we use tow. We put in about four or five plaited layers of tow between the glands. They are screwed down so tight against the cylinder that has to work in them as to prevent the water coming out. You can fancy how tightly they are screwed up when they resist a pressure of 700 lb. to the square inch. Some of the high-pressure systems have failed simply because leather valves have been used instead of tow packing. In a good many of the houses in London, where the lifts make from 400 to 600 journeys a day, I am told that this packing only needs to be added once in four or six months, and this is a great saving of expense. I believe that this thing is not only cheaper, but it is simpler and better in every way.
150. *Mr. Day.*] How long will it take the promoters to get the necessary pipes and machinery to commence the work? I should think it would take, after the measure becomes law, possibly six months to begin work. They would have to be ordered from home.
151. Have the promoters any objection to the insertion of a clause in the Bill binding them down to a reasonable time? No. Of course Parliament would not want to do anything unreasonable.
152. *Mr. Barbour.*] Would twelve months be too short? I do not think so; I think we should agree to twelve months. The engines would have to be made. That takes time. Most of the pipes would be found in stock to begin with. I have no doubt that we could begin much earlier than twelve months. We, of course, would want to begin as soon as possible.
153. *Mr. Day.*] Have you any idea of the time it would take to finish the work? I should think about twelve months.
154. Would you undertake to have it finished within two years? Yes; at work within two years, I should say.
155. You are willing to be bound to a reasonably fair time within which to do the work? Certainly, it would not answer our purpose to delay.
156. *Mr. Barbour.*] The promoters would consent to the insertion of a clause providing that the scheme should be in full operation and the Company ready to supply the power within two years? Yes; I made one or two visits to see the water-power works in London, on the south side of Blackfriars Bridge. I went there with Mr. Parrott when he was at Home, and I was greatly struck with what I saw. There are two vertical engines made by the Chester Hydraulic-power Company, which are automatic in their action, and require the attention of only one man. Every now and then, when a great many lifts are at work and a great deal of power used, you see them racing away as hard as they can go; suddenly, there being fewer lifts at work, they will slow down, and occasionally they will stop for an almost imperceptible period of time, and then away they go again the moment the lifts are at work. One man walks about with an oil-can and attends to all that. One man also attends to the fires, which are stoked automatically. They have a curious contrivance like a sort of dredge, something like the steam-dredges used out here, having scoops which go down into the receptacle underneath where the coals are, bring up the coals, and turn them into a trough which travels across the fires, and a man is there simply to see that the fires are properly stoked; so you see it takes only two men to supply all this water-power to London. It would be misleading the Committee if I were to stop there. It takes two men to supply the power to London, but, where the distance is great, (say) 2 miles away, you would require a second accumulator to generate the power.
157. Would the accumulator be placed close to the engines or 2 miles away? Close to the engines.
158. Then you want to increase the power? Yes.
159. If you have to supply the water-power at a distance (say) of 10 miles, you require more power than in the case of 1 mile? Of course; supposing the radius were about 5 miles, if you had to supply a radius of 10 miles you would require an auxiliary power just to refresh your power. But I do not think you would want that at all in Sydney.
160. *Mr. Barbour.*] Do you, of your own knowledge, know that the accumulated power has ever been placed at any distance from the generator? I have only seen it once, in London, and there the building is close to the engines. There are two 100 or 150-ton accumulators; when one comes down by electricity or some other contrivance the other is set going for the second one, and, as this second one follows, the other is pumped up, so that they are sure to have an accumulator up to give the pressure.
161. And the working of the accumulator will govern the speed of the engine? When your accumulator is up the engine takes it easy, and slows down. This water-power could be used not only for lifts, but for various other purposes—for saw-mills, and even for sewing-machines. Mr. Selfe begins to change his view about high-pressure. Hitherto, he has been rather in favour of low-pressure; but this system of ours has, I think, rather shaken his faith in that system, and for some time past he has been very much in favour of a pneumatic contrivance. If you had the pneumatic principle here, that would only drive your machinery. For instance, you would substitute pneumatic-power for a gas-engine, or pneumatic-power would pump up your water. We propose to give the power direct.

162. *Chairman.*] You would still use water as the transmitter of power, but the generating power would be steam? Yes, to pump the water—but we propose to give the power direct. If the pneumatic-power company was started, that system could only be used as a power to pump the water to raise your accumulator—in fact, it would only be used instead of gas or steam-engines.

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163. *Mr. Day.*] Do you know whether there are many lifts used in the warehouses in Sydney? There are a great many, but how many I cannot say.

164. Have you any notion as to the expense of applying your system to one of these large warehouses—say five or six stories high. Would it be a difficult job to make a lift through—would it interfere with the building? All that would be required would be to make a square hole in each floor. The lift could be used outside of a building; we have two or three different kinds of lifts. We have two lifts in the yard simply bolted against the wall, for hoisting cases; you open your valve, and the cases are hoisted up to the top floor. We have two cage goods hoists; they also communicate with the yard and with the warehouse inside. The cages are open both ways—to the yard and to the warehouse. They go inside the building, but work on the same principle by what is called multiplying gear. The chain travels four times the distance that the ram travels. Then we have two other lifts on the finest principle possible—the direct ram principle. Mr. Selfe says it is the best principle in Sydney. The ram goes down into the ground and has a cage on the top, and no accident can happen short of the ram breaking; it is a steel ram, 5½ inches in diameter. To this we have attached what is called a water-balance cylinder, so that it works as smoothly and as easily as you would weigh an ounce of tea or a pound of sugar.

William Christopher Bennett, Esq., called in, sworn, and examined:—

165. *Chairman.*] I believe you are Engineer for Roads and Bridges, and also for Sewerage? Yes.

166. How long have you been employed in the Government service? Thirty-three years in the service of the Government.

167. How long have you occupied your present position? For twenty-five and a half years.

168. I believe you are the originator of the system of sewerage now being carried on in the city of Sydney and its suburbs? I am not the originator of the scheme. It was originated by a Board. The first man who ever proposed a sewer to Bondi was Alderman Macintosh.

169. That is now being carried out? Yes.

170. The outlet at Bondi serves all the higher levels for sewage? It serves all the northern slopes, leaving a small margin round the shore at the end of the sewers at an elevation over the sea necessary to give a gradient.

171. The outlet of Bondi is by gravitation? Yes.

172. *Mr. Day.*] What is the fall? 3 ft. 6 in. in the main sewers. One or two at the ends have steeper falls.

173. Is that sufficient to carry everything away? Yes; it gives a velocity of between 2 and 3 feet a second, which is quite sufficient.

174. *Chairman.*] Then, in addition to that, there is what you may call a lower level sewerage? Small bits, just below the level.

175. How has that been dealt with? We have not proposed to deal with it at all yet. There is no systematic proposal to deal with it.

176. Then, in addition to that, you have been making surveys in some of the suburbs—Balmain, for instance? Yes.

177. In that case, I suppose, it would be necessary for the sewage to come down into some lower level, and then have some power applied for pumping? Part of Balmain; yes.

178. And some of the other suburbs are in the same position? Balmain is the only outlying suburb that is in that position.

179. And some portion of Leichhardt, of course? Very little.

180. But to deal with lower levels of sewage, if I may use the term, some power will have to be applied to convey it to some particular place? Yes; but we do not know how much sewage there will be in these low levels, because a very large proportion of the buildings on the low levels are warehouses and other places where there is not much sewage; and the condition of things is changing every year, so that we could not anticipate ten years ago, when the designs were made, how much sewage we would have.

181. But the bulk of the sewage from city and suburbs will go by your main conduit out to Bondi? Yes; on the northern slopes. The sewage on the southern slopes goes to Botany.

182. Have you seen a copy of the Bill which is before this Committee? No.

183. Are you aware of the existence of companies in England for the purpose of transmitting power by water? I know there are such companies.

184. It would be necessary, I presume, to use some power, whether steam or something else, for the purpose of conveying your low level sewage to a given point? Most likely, and anticipating that, when an assistant in the Department went home two years ago on sick leave, I wrote a memorandum asking him to make inquiries as to the system in use in England for lifting sewage. He made considerable inquiries, more than I intended, and consulted Mr. Shown, the proprietor of a pneumatic process, and also a Mr. Appleby. Both these gentlemen gave an estimate of an hydraulic process. I let these things lie by in the office, waiting until we saw what would really be required. Then I was very glad to see both a pneumatic and an hydraulic system proposed for this city. They would work into our scheme well, and when the gentlemen connected with this came to me I said we did contemplate such a thing, and that their project would give us material aid.

185. Either of these systems, the pneumatic-power or the water-power, would suit you for your low levels? Yes; I also said, "recollect that any action of mine will be entirely subject to the will of the corporation. They are the people in whose interests I am acting, and they must be arranged with, and must be willing co-operators in the matter."

186. But under the Water and Sewerage Bill, are not both the sewerage and water schemes taken out of the hands of one particular council, and placed in those of a body representing the whole area drained or supplied with water? They will be.

187. So that, therefore, it is more the Board that will be called into existence by that Bill than the present existing authorities, who will have to be considered? That is a moot point. The chief *locus standi* the corporation would have, would be in dealing with the matter as affecting the breaking up of streets.

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188. But I suppose that in any case, whether pneumatic or hydraulic-power is used, the streets will have to be interfered with? Of course.
189. In reference to the two systems, the pneumatic as against the hydraulic, which do you think has the advantage over the other, or are they in this respect equal? I would not like to give an opinion on that. The pneumatic system has been proved to be a success, and is largely in use in England. The hydraulic system, as applied to sewerage, has not been used, but I see no reason why it should not be quite as successful as the pneumatic system.
190. Has not the pneumatic system been objected to on the ground that it would draw in odours, and that the leakage of the valves would give out noxious smells? I have not seen any practical objection of that sort.
191. Is not that one of the practical objections urged against Leneur's system? That is a different thing altogether. I do not call Leneur's the pneumatic process although it is a pneumatic process. The pneumatic process I referred to is Shown's, an English process.
192. The difference between the two, roughly speaking, is that Leneur's is a suction and the other one a forcing of the sewerage? Yes. Shown's merely forces the water from the ordinary sewer up into a higher level, it is a sort of pump. Leneur's process sucks the sewage out of the closets into central depôts. It was contrived for, and is particularly suited to, the low-lying towns of the Netherlands, and it has not succeeded anywhere else.
193. Shown's process is the use of air to force sewage up to a given level? Yes. The ordinary sewers are used.
194. No cleansing operation is carried out by Shown's system; in other words no washing or scouring takes place. The air-power is used for forcing the ordinary sewage along? Yes.
195. If water-power were used for this purpose would it not exercise the same power, given the same pressure, and also have a cleansing effect? Yes. There is no doubt but that the water would be preferable in that respect. My only objection to the water is that it has not been tried, and its effect in the way of oxidation would have to be neutralized in some way.
196. *Mr. Barbour.*] I suppose you do not object to the water process; it is only that you have not had experience of it? I do not want to commit myself. I see no objection to it at all. On the contrary, Mr. Macdonald, the assistant engineer, who is a thoroughly mechanical engineer, was rather in favour of the hydraulic-power in preference to the pneumatic or any other system he saw.
197. *Mr. Day.*] Are you of opinion that the hydraulic system proposed under this Bill is worthy of a trial for raising the lower sewage of the city? Certainly. I was very glad to see that the proposal had been made, as, if carried out, it would save us having pipes.
198. *Chairman.*] In other words, instead of generating a power yourself, if there was a power similar to this, then you would have an opportunity of using it at a cheap rate? Yes.
199. You would be saved the expense of a plant? Yes, and our objection to the particular pump, the Appleby hydraulic pump, on the ground of not having experience of it could be met by our undertaking not to pay anything unless it proved to be a success.
200. In the event of your being ready for the application of a power to your lower sewage, and this water-power being available, before going to any expense in providing a pneumatic plant yourselves you would certainly try this method? No one but a mad man would refuse to do that.
201. If it did not meet your approbation you would have the opportunity of adopting the pneumatic principle? Yes; but I do not think it at all likely. I think we would try with this until we succeeded, because we would have the pipes.
202. And any little difficulty that might arise you would like to overcome rather than try a new system? Yes; because of the great objection to triplicating or quadrupling the number of ducts through the streets.
203. *Mr. Day.*] If this hydraulic system is adopted a large quantity of water will be used. If salt water is used will it have any effect on the sewers? I would rather not use salt water.
204. Would it have any effect? Well, it is not desirable to introduce salt water into fresh water sewers, some chemical action takes place.
205. Have you sufficient fresh water to flush all the sewers? Yes; we have arranged the sewers so that they flush themselves, but besides there will be a large margin of water available under Mr. Moriarty's scheme. If these people are going to pump salt water at a given pressure it need not go into the sewers at all.
206. It would not be poisoned in any way, or injurious matter get into it? It should go into the sea by a separate duct. I would not advocate the introduction of salt water into the higher levels of the sewers at all.
207. If this Company used fresh water it could go into the sewers with great benefit? Yes; that is what they ought to do. The Chairman of this Committee knows the objection to salt water perhaps better than I do and its effect with regard to oxidation.
208. *Mr. Barbour.*] If the question were submitted to you as to whether you preferred fresh water to salt water being used, and its effect upon the flushing of the sewers, you would prefer fresh water? Yes. I would not use salt water at all. There is a special objection to the use of salt water in the south, because it would not do to go on the farm.
209. In cases where the sewerage is used for manure salt water would interfere with its usefulness? Yes.

Thomas Rowe, Esq., called in, sworn, and examined:—

- T. Rowe, Esq.
22 Feb., 1888.
210. *Chairman.*] I believe you are an architect, engaged in business in Sydney, President of the Institute of Architects of this City, and member of the Royal Institute? Yes.
211. For how many years have you been engaged in your profession in Sydney? About thirty-one.
212. You have had very large experience in connection with warehouses and other very large buildings which have been erected in Sydney? I think I have built as largely as any other architect in Sydney.
213. Have you ever found any difficulty in reference to what power should be used, and how it should be utilized, for getting to the top of these high buildings? I find there is no other power to suit our purpose for lofty warehouses but the hydraulic-power at present. I have used it in Sydney.
214. You mean high-pressure exercised by water? I have used both high-pressure and low-pressure. If anything, I prefer high-pressure.

215. I suppose that in the low-pressure system the pipes and accumulators have to be much larger than under the high-pressure system? Yes. There must be a certain number of tanks and things, and the plant is more cumbersome. E. Rowe, Esq.
22 Feb., 1888.

216. Then I suppose the high-pressure system would be somewhat cheaper as regards the first cost? I find that in the case of Gardiner and Company's large stores the expense under the high-pressure system was less than that under the low-pressure system.

217. You are aware that a Bill is before Parliament for the purpose of granting power to a proposed water company to carry on operations in Sydney? Yes.

218. Do you know that such a company would be a benefit to Sydney? I do. It would be a very great blessing indeed to a city like Sydney, situated as it is, being so narrow and girdled round with the sea. The sites in our main streets are getting so valuable that, the business and office centre being so circumscribed, the buildings must necessarily rise higher. It has been my experience for several years past that we are gradually getting higher, and my advice to almost every client who builds in our main streets is to build high, and, if he is not willing to build high at present, to prepare for building high in the future. We must go higher, and, having travelled in Europe during the last few years, I have seen the necessity of this from travel as well as from experience here.

219. There are a large number of buildings in Sydney in proportion to the size of the city and its population where power of some kind, hydraulic or otherwise, has to be used? We are thoroughly puzzled now in the case of ordinary warehouses three, four, or five stories high. The old American lift used here years ago has gone out of date. To get power in ordinary stores, say a block of stores four or five stories high, each must have its gas-engine. Then there is an engineer for each engine, and a considerable amount of trouble. I am now building a block of seven stores in York-street, and to the north of this block there are two more stores, making in all nine, and we have to provide lifting power for these nine stores. If this hydraulic-power were available it would be something like connecting gas or water, but now we shall have to get nine gas-engines and nine engineers, and then the power is not so good as if it were hydraulic-power brought in from the street. If such a system were introduced, and it would be perfectly safe, for I see no danger to arise from it whatever, the offices would be located in the uppermost floor instead of being down on the first floor as at present, where the noise is almost intolerable, and where one has to speak very loud in order to be heard. It would be in this respect an immense comfort if there was a proper system of hydraulic lifts running up and down, and persons would prefer to occupy the higher floors as offices.

220. When you were in London did you have brought under your notice the operations of the Hydraulic Water-power Company of that city? No.

221. You are aware that there is such a company in operation in London? Yes. I may mention that I built Hoffnung and Company's large stores as well as Gardiner's, and we have an hydraulic lift there produced by pumping.

222. That is a low-pressure, having a tank on the roof? Yes; still it is a direct acting lift forced up.

223. But under that plan everything has to be on much larger dimensions? Yes. I also had to do with Elliott Brothers' store, where the Otis lift is used. I have had to do with some of the largest and loftiest buildings in the city.

224. Referring to Hoffnung's, I suppose, for the purpose of having an accumulator tank on the roof, it is necessary that the building should be of extra strength to support this enormous load? The tank is not excessively large. We utilize the water over and over again; there is a constant circulation of water.

225. Still you would far prefer the high-pressure to the low-pressure? I should certainly do so.

226. And there is no general steam company in existence in the world which generates steam and supplies it to individual consumers? I do not know of such a thing. It has been suggested to me that in the case of the block of seven stores there should be power sufficient to accommodate the neighbourhood around. That would be a small company in itself.

227. Is there not an objection to that, owing to the condensation of the steam which would have to travel such a distance? Yes. A large boiler would be required, which would have to be fed with coal. Of course it would not compare with this, and there would be some danger.

228. I believe you were at one time an alderman for the city of Sydney? Yes.

229. It would be necessary, I suppose, under the hydraulic-power system, to have mains along the streets for the purpose of conveying that power. Do you think there would be much destruction or much damage done to the streets by laying these mains and the connections which would be made? Not more than in the case of water or of gas. It must necessarily cause a little inconvenience, but not any damage to the streets. I should advise that the pipes be laid inside the kerbstone under the pathway.

230. That is, I suppose, because our streets are made of wooden blocks? Yes. For many years past we have seen the necessity of having two mains of water and gas under the pathways; this is far better than turning up the streets.

231. These main pipes for the conveyance of hydraulic-power would not, I suppose, be more than 6 inches in diameter? I am not certain of that.

232. A gas main would be very much larger? I should think so.

233. And, therefore, it would take up more time and room? Yes. They might cross the street here and there instead of having two lines of mains.

234. Do you think it would be preferable to use fresh or salt water for this power? I should say fresh water would be the best. There would be less danger of oxidation.

235. We have been informed that in London the Thames water is used, and after having been used it is allowed to go into the sewers for flushing purposes; I suppose that would be a benefit in some respects? Certainly, it would be an advantage to flush the sewers in very dry weather.

236. You think if a power like this were available it would be largely used? I think it would be used in a thousand directions and for a thousand purposes now little thought of. Wherever there is a food lift, for instance, from the basement to the principal floor in a private house, or in a hotel, and in a thousand other directions where power is required it could be used. It could be used for sewing-machines and in small factories. I know one instance where there is a food lift running through five stories, which is worked by hand-power. How easily would it be to connect with a pipe, how simple the matter would become; and wherever there is a lift of any kind, or wherever power is required for any purpose, this hydraulic system could be utilized. I think it would be a great blessing to the city of Sydney. If it is good for warehouses, and we have proved that it is, it is good in a thousand other instances.

- E. Rowe, Esq. 237. Wherever power is required this water-power could be used with so much ease and facility? Yes.
238. *Mr. Day.*] It would do away with a large quantity of machinery, the working of which renders the atmosphere hot and unhealthy? Yes.
- 22 Feb., 1888. 239. It could be utilized in connection with printing-machines; all the newspapers could be printed with hydraulic-power? Yes. Then, again, it would be useful for extinguishing fires. We have lofty buildings, and we have not sufficient water pressure to reach the fire, and this hydraulic-power would remedy this deficiency. I am a constant reader of *The Architect and Builder* and *The Building News*, and I have never read anything in opposition to this process of hydraulic-power, but, on the contrary, everything in its favour.
240. In the case of Hoffnung's building, I believe that in the lower part of the city the water supply is not sufficient under natural conditions to reach the top? Not the top, not where the tank is situated.
241. And the water from the main would be almost useless for fire extinguishing purposes on the top of the building? I think so.
242. Therefore, if a fire occurred, some engines would have to be used in the street for the purpose of extinguishing the fire, or some power would have to be applied? I am not so certain. I think fire-hose is kept on the uppermost floors, but when you speak of the top of the roof, where the tanks are, you are correct. Where the water is applied by the hydraulic I believe it would reach the fifth floor.
243. *Mr. Barbour.*] Force is a great element in putting out fire as well as the saturating power of water, and this force would be supplied by the hydraulic system? Yes; the higher the pressure the greater the body of water you can bring to bear on the burning mass. As to the inconvenience of laying pipes on our pathways and streets that is not to be considered for a moment in comparison with the immense advantage we should derive from this system.
244. *Chairman.*] In the case, for instance, of Hoffnung's building a large amount of rates is paid yearly to the City Corporation. In the event of the building being removed by fire the Corporation would lose this revenue, and consequently it is to their own interest that such buildings should be preserved intact, and you think that this consideration should outweigh any little inconvenience that might be occasioned by the laying of the pipes to secure this end? Yes; the danger would be lessened, and if you lessen the danger you increase the revenue.
245. *Mr. Barbour.*] Are you aware of any objections to this motive power being applied in the way this Company propose to apply it? I know of none whatever. I may say that I speak as a representative man, being president of the Institute of Architects, a body composed of about eighty members. We frequently discuss these matters, and I think my evidence in this case can be regarded as that of a representative man.
246. *Chairman.*] Has this water-power process ever come under the notice of the Institute at their ordinary meetings? Not directly; but in talking with each other at the reading table we have discussed it. No paper has been read on the subject, and there has been no formal discussion. We are in recess now, but when the session is opened in May, I intend, as president, to make some remarks on the general question of building in the city, and this is an item I intend to speak on, and I have no doubt some information regarding it will be elicited.
247. You have no doubt, from the position you occupy, that your views in reference to this question will be endorsed by a large majority of the members of the Institute? I am quite certain.
248. *Mr. Barbour.*] From the evidence you have given I infer that you not only believe that this will be a useful power, but that it is one of the best powers that can be applied, so far as is known at present? I am strongly of that opinion.
249. And that it is not only safe, but the safest power that could be applied? It is perfectly safe, and I know of no other power so safe.

Vernon Petherick, Esq., called in, sworn, and examined:—

- V. Petherick, Esq. 250. *Chairman.*] I believe you are a representative of the Otis Lift Company? Yes; I am engineer and manager.
- 22 Feb., 1888. 251. It is an American company, is it not? It is an American company, but the company here is really a branch or offshoot. The business got so large that we have formed a second company, intending to have works out here.
252. The company's operations extend over the civilized world, I believe? Yes. We have made more than 75 per cent. of the elevators in the world.
253. You confine yourselves now almost exclusively to the manufacture of lifts, do you not? Lifts of all kinds—lifts for goods, passengers, and other purposes.
254. What power is usually applied to these lifts? It varies according to situation. Out here we have been using practically nothing but hydraulic-power. In New York, where they have steam mains laid down, we make a great many steam passenger elevators. It varies according to circumstances. In some towns where they have a very fine water pressure we have the hydraulic elevator without any intermediate machinery.
255. You spoke of New York having a steam-power; do I understand that there is a steam-power supply company there, or has each individual warehouse its own steam appliances? In the city of New York steam mains are laid down like the water pipes in the street, and small branch pipes are taken from these mains into the separate buildings where they are wanted.
256. Is this steam-power supply company in New York a very large affair? Oh, yes.
257. How long has it been in operation? I should think about seven years.
258. How many stations have they for the generation of steam? When I was there they had one large station, and they proposed to extend it all over New York, and probably by this time they have half a dozen.
259. There is a limit beyond which it would not be desirable to have generating depôts apart? Exactly. That would be a radius of about a mile, at the most.
260. Then at every mile, for proper and economical working, they require to have another generating appliance? Exactly.
261. Owing to the condensation of the steam? Yes.

262. Is this used exclusively for motive power purposes and for heating? That is where it is of great advantage. In New York, in winter, you have very cold weather, and I may say that every place, almost without exception, takes in steam-power. They use it more for heating purposes, taking the average all the year round, than for power. V. Petherick, Esq. 22 Feb., 1888.

263. In a country like this of course it would not be used much for heating purposes? No. If it were not for this inducement in New York they would have laid down hydraulic-power to a certainty.

264. Then, only for the difference in climate, and the use being made of this steam-power for heating purposes, you are of opinion that they would have long since laid down hydraulic-power? Most certainly; they would not have hesitated a second about it; there should be no question as to the two.

265. In your opinion hydraulic-power is much preferable, in lifts and other appliances where power is used, to steam? Most certainly.

266. And especially as regards lifts? Most certainly.

267. So much so that, I suppose, if the two powers were placed at your disposal in any city you would take the hydraulic-power at once? Most certainly, for this particular reason:—Supposing we have two sets of mains laid down, one hydraulic-power and the other a steam main, and we have got a lift here and a lift on the other side. Now, to work this elevator, if you work it by hydraulic-power, which is most easily handled and most convenient, you must have a steam-engine, a pump, tanks, pipes, and so on; or else, if you do not work it on the hydraulic principle, you must have a steam-engine, with belting and gearing, and so on. Now in the other case, with hydraulic-power you simply do away with all the intermediate machinery, and take it right direct in the cylinder of your elevator. There is no intermediate machinery, and there is no attendant required. You just turn on a tap, and there the thing is; there is no skilled attendant needed. In the other case you must have a skilled attendant to look after the engine and machinery.

268. Therefore it is not only cheaper in the first instance but cheaper for maintenance? Decidedly, in every possible way.

269. Can you give us any idea of the proportionate difference between that and either the steam or low-pressure system? I am obliged to speak only by way of a guess, but I should say the one would cost about 25 per cent. of the other; that is to say, hydraulic-power would cost about 25 per cent. of the cost of the other power for a single installation. If you went in for a large installation first, and went on larger and larger, you would arrive at a point when it would be better to have a steam-engine and installation of your own. There is, for instance, a very large building in London in which there are eighteen elevators. It would pay better there for the owners of that building to have a separate steam-engine of their own; that is to say, make a small supply company of themselves, and take the profits.

270. But this is a very exceptional case? Very exceptional.

271. *Mr. Barbour.*] But even in that case the more the power was applied the cheaper it must be to the company as well as to the individual? Yes; but they get the profits in the other case.

272. But would the profits be so large as to make a difference (say) with twenty lifts? Well, not in proportion. For instance, if the Hydraulic-power Company have 500 lifts, which is quite within the bounds—I may say that we have over 4,000 of our own elevators put up in New York city alone—the proportion between the twenty and 500 would probably make no difference to the Hydraulic Company.

273. Therefore they should be able to supply more cheaply than a private individual? Very possibly—other things being left out.

274. Unless they had a monopoly? Exactly.

275. But if they had no monopoly the pressure of probable competitors would cut down the prices? Yes.

276. So that they could even supply twenty lifts more cheaply than a private individual? They probably would; but I said other things being left out of consideration. Now, in a very large building like that, and in fact much smaller buildings, it would pay them better to have their own installation, for this reason—that they must have a steam-boiler and engine on the premises for other purposes, and they could use the power along with the other.

277. Having the power there they could use it, instead of borrowing from others? Yes; if they have a steam laundry and bakery their attendant is paid for. They have their engine and boiler, and therefore the putting down of a range of pipes and pumps comes to exactly the same thing as taking the power from the hydraulic main, that is to say, they have not to pay for the attendant, who is paid for by the other machinery.

278. They have the power themselves without any additional cost, and therefore they have not to hire it from other people? Exactly.

279. *Chairman.*] Can you give the Committee any idea of the number of lifts, of all kinds, in operation in Sydney? I should have to guess at it, but I should say there are a couple of hundred.

280. And do you think that if a power so easy of manipulation as the hydraulic-power could be obtained this number would be largely increased? I should expect it to be quadrupled within the first twelve months, if they are anything like smart out here, as I have given them credit for being.

281. You think that the expense of having a separate installation and so on has kept back the use of lifts? Decidedly, in this particular case. We make passenger and freight elevators, and a small description of elevator which we call a dumb waiter. The dumb waiter is used principally for kitchen services, or in large offices to take up books or other light things. In many cases I have not the slightest doubt that, if the mains of the Hydraulic-power Company were laid down, I could trot round and take orders for these small elevators in large offices just like shelling peas. The difficulty is where they want a small elevator, only used for small work, and they have not got any power. In such a case they say it will not pay to put up a gas-engine, which requires an attendant, and that attendant could work half a dozen elevators. It would not pay them to put up a small kitchen or office elevator for light freight, and so on, if they had to have a gas-engine, which, no matter how small, must have an attendant, and so the consequence is they do without it.

282. Then it is your opinion that this power would be as much superior to the different powers at present used as the gas in a dwelling-house or business place is superior to a number of separate lights throughout the building? It is as superior as the gas at present supplied from a central station is superior to the old oil-lamp.

283. And can be supplied as simply? Just as simply. There is no trouble or danger—in fact, there is less danger than with the ordinary gas-pipe, because with the ordinary gas-pipe you may have a leakage which may lead to an explosion.

- V. Petherick, Esq.
22 Feb., 1888.
284. *Chairman.*] You have had large experience in making connections, and so on—Is it your opinion that less care is taken by gas-fitters in making their connections than by persons who are laying connections for a water service, for the reason that gas does not show itself except by smell, while in the case of water the least leakage is at once apparent? Exactly. I have had considerable experience in laying down gas-mains for waterworks nearly all over the world, and the system we adopt is a very simple one. We lay down a certain length of main, (say) 20, 30, or 50 yards long, and we block the ends and put a pressure on; we can tell exactly whether that pipe leaks or whether it does not. But this is a thing it would be almost impossible to do with a gas-main. It could be done, but it would cost considerable time, and so much care would have to be taken that they make the joints of the pipes as good as they can and chance it; and the consequence is, I suppose, that if we were to go over the whole of the gas-mains in town we would not find twenty lengths that had not a slight leak.
285. *Mr. Barbour.*] In your experience, gas-fitters and water-fitters are equally careful? Yes.
286. You are aware that a Bill is before Parliament for the establishment of a Water-power Company in Sydney? Yes.
287. Are you aware that similar power is being granted to a Melbourne company? Yes.
288. Did a representative of your company give evidence before a Select Committee in Melbourne? Mr. Hall, of New York, gave evidence before the Melbourne Committee.
289. Are you aware whether his evidence was favourable or unfavourable? His evidence was decidedly favourable.
290. *Mr. Day.*] How long ago is it since such a Bill was before the Melbourne Parliament? I can only speak from guess, it was before I came here, I should think about twelve months.
291. Has that Bill passed the Parliament of Victoria? That I cannot say.
292. *Chairman.*] In New York when they are laying down steam-pipes, or any other pipes, is there much difficulty with the City Corporation as to the mode of laying them, or in obtaining power to lay them down? They have very little difficulty of that sort. In New York you might lay down almost anything, as long as they thought there was a chance of its paying. They will lay down any mortal thing in that line in New York, if they see that there is a chance of the citizens benefiting by it. You may put down steam-pipes, electric wires, or anything else, and they will not offer any obstacle.
293. You know of no difficulty being placed in the way by the City Corporation? There is no difficulty whatever, they knew the thing was in the public interest.
294. Do you think this water-power could be applied to fire-extinguishing purposes? Most certainly; it would make a most efficient apparatus for the purpose.
295. And it could be applied to almost anything where power is required? Yes; of course for fire purposes you would not use the water direct from the mains, but only as a power, and one of the greatest difficulties we have with ordinary persons is to get it into their heads that the Hydraulic-power Company use water only as a vehicle for power.
296. And this power would be transmitted by water, and would operate on the body of low-pressure of water? Yes.
297. *Mr. Day.*] In New York, are the pipes laid along the middle of the streets, or underneath the foot-path? In some cases under the sides walks, and in some cases under the gutters.
298. But in no case in the middle of the streets under the wood-paving? In some cases they are laid under the wood-paving, but generally speaking they go inside the kerbstone.
299. In your opinion where do you think it best in the public interest that the hydraulic-power pipes should be laid, inside the kerbing, or in the street? I should always like to lay them inside the kerbing, but I should not like to speak as an authority in this matter, it is one into which I have not gone closely. Speaking, however, off-hand, I should say that, as a matter of convenience, I would rather have them under the side walk.
300. You think there would be less inconvenience to the general public if the pipes were laid inside the kerbing? I think so.
301. In breaking up the wood-paving the effect is to upset the bond altogether? Yes; and very often they have a concrete base under the wooden blocks, and if you break that base you break the bond and cannot replace it as firmly as before. When I was at Liverpool, I happened to know something about the way the roads were laid down there, and they were making it a very great point. They were laying a road based with concrete and they were very careful.
302. Did you ever see any pipes laid down for hydraulic pressure? Yes.
303. How do they manage on the footpaths, fence it off? Yes; laying down one of these power pipes is not like laying down a 13-inch main. It is laying down a comparatively small-sized pipe, and they fence off a part of the footpath and passengers go on, and there is no obstruction at all. I think that if it were absolutely necessary they could lay the pipes at night, so that there would be no obstruction to the road at all.
304. *Chairman.*] I suppose that a power main—taking a case like Sydney—with a reasonable installation would be something like 6 inches? Yes.
305. Gas mains run from 24 to 30 inches? Yes; water mains run still larger. In laying a 13-inch main you have to take out a 5-foot trench and there is another 2 feet 6 for spoil from it, so that you have 7 feet 6 taken off the roadway. If you do that on a sidewalk your sidewalk is spoiled.
306. *Mr. Day.*] I suppose this hydraulic-power could be used to drive any kind of machinery? Yes.
307. Sewing-machines, for instance, and printing-machines? Any machinery whatever; I know of no class of machinery it could not drive. You see you have various intermediate agents. For instance, suppose you wanted to drive a sewing-machine, you can have either little turbine wheels, or little rotary engines where you want high speed. Where you want slow power you can have either an ordinary Ramsbottom engine, very much like a steam-engine, and get any speed you like out of it; or if you want pressure pumps—higher pressure—you can use them. Instead of using steam, as the vehicle of power, you use water, and of course it gets rid of all the fire risks. You have not to pay anything extra for having a steam-boiler on your premises.
308. It rather diminishes the cost in this respect, because you have a water supply? Yes.
309. And it gets rid of all the heat in the building that comes from machines in which fire is used? Yes. There is no difficulty whatever in adopting it to anything.

FRIDAY, 24 FEBRUARY, 1888.

Present:—

MR. BARBOUR, | • MR WALL.

JACOB GARRARD, ESQ., IN THE CHAIR.

John Alexander Macdonald, Esq., called in, sworn, and examined:—

J. A. Macdonald, Esq.,

24 Feb., 1888.

310. *Chairman.*] You are assistant engineer in the Department of Roads and Bridges? Yes.
311. You have recently taken a trip to the Old Country? Yes; in 1885.
312. You were requested to make a report on matters pertaining to your Department? Yes; chiefly in reference to the raising of sewage.
313. From the higher levels of Sydney the sewage will be conveyed by gravitation to Bondi, and from the lower levels it is proposed to pump it up on to a sewage farm? I think it runs by gravitation on to the sewage farm. I have nothing to do with the sewerage works of Sydney. The question of power required is with reference to the margin round the harbour.
314. Some power will have to be used to convey the sewage of Balmain to the sewage farm? Yes.
315. Had you an opportunity of seeing the London Hydraulic-power Company's works? I did not see their works. I saw some mains being laid.
316. You are aware that such a company exists in London? Yes. I know they were using hydraulic-power from the mains for rivetting on the extension of Charing Cross Bridge.
317. Was the power supplied by this company? Yes; the contractors took it from the mains in the street.
318. What is the distance between Charing Cross and the southern side of Blackfriars Bridge? I suppose it is about a mile and a quarter.
319. Is that portion of the city a busy one? Charing Cross would be outside the boundary of the city proper.
320. To cross Blackfriars Bridge from the southern side would land you in the city proper? Yes.
321. Until you reached the boundary of the city I suppose it would be a very busy portion? I do not know where the mains are laid exactly. I saw them being laid in Cheapside.
322. Is that a very busy thoroughfare? It is the busiest.
323. Was there much obstruction to traffic while this work was going on? No. The pipes were being laid under the roadway close to the kerb.
324. What was the size of the pipes? I should say that they were of about 2-inch bore.
325. Easily and expeditiously laid? Yes.
326. Much more so than 24-inch gas pipes? Yes; they were using this power, although I did not see it, on the extension of the Metropolitan Railway.
327. For what purpose? For rivetting and punching.
328. This power is applicable to almost any work where power is required I suppose? Mostly; of course it is a question of economy—I refer to the magnitude of the power required—as to whether it would be better to take the power from the company or to have your own plant.
329. Power conveyed by water in this way is a very effectual and economical power? Certainly.
330. The best you know of? Not in all cases.
331. But for lifts and cranes? Yes; for wharf cranes and passenger lifts.
332. Do you know whether it is largely availed of in London for these purposes? I cannot say, it was in its infancy then.
333. *Mr. Barbour.*] What is your idea about applying this power for the purpose of raising sewage? When I was in England I reported upon three distinct systems for dealing with sewage round the margin of Port Jackson; the first was to erect a pump with a Cornish pumping engine at each existing outflow into the harbour; the second was Shone's hydro-pneumatic system; and the third was a scheme which was invented by Mr. Appleby, in England, to raise sewage by hydraulic-power. The hydraulic system I have not seen tried yet; I do not think it has been tried yet, and so, in reporting to the Commissioner, I reserved my opinion until we made an experiment ourselves. The Shone's system I have seen at work.
334. *Chairman.*] It forces the sewage, by means of air, up to a given level? Yes.
335. That would not have the effect of cleansing the sewer? Yes; it is perfectly self-cleansing.
336. Would not the application of water to the forcing of the sewage have a better cleansing effect than the use of air? The water from the hydraulic mains does not flow with the sewage.
337. You have not seen Mr. Appleby's invention? It has not been in actual work anywhere yet.
338. Some power will have to be applied for the purpose of lifting the sewage from the lower levels of Sydney? Yes; round the margin of the harbour.
339. If hydraulic power was available do you think it would be advisable to thoroughly test that power before going to the expense of introducing any other system? I should certainly recommend the Commissioner, if the Power Company is formed, to try the system on some station.
340. If the power was available, you would advise the Commissioner to try this method before any other? Yes.
341. Is it likely to be a success, from your knowledge of mechanics? I think so. It is a question of working out the details.
342. *Mr. Barbour.*] And if the Company was not formed, what would you do? I think it is probable that it would then be tried.
343. *Chairman.*] By having a generating power of your own? Yes. Of course, I am only speaking of what I should recommend for adoption by the Department.
344. *Mr. Barbour.*] You consider there is sufficient inducement to experiment and use the power, even if it is done at the Government expense? Yes.
345. *Mr. Wall.*] Which do you consider the best system, having regard to the general distribution of power, for the purposes of lifts and cranes—hydraulic? Yes.
346. *Chairman.*] In preference to steam? Oh, certainly. I might draw attention to this fact: that the pressure of air in connection with Shone's system is only about 10 lb. to the square inch. It could not be used for general distribution over the city.
347. Have you visited New York? No.

- J. A. Macdonald, Esq.
24 Feb., 1888.
348. You are not aware of a steam-power supply company being in existence there? I have seen steam supplied for rock drilling machinery at a given distance.
349. *Mr. Barbour.*] You can speak generally as to the application of this power, although you have not seen much of it applied in your experience? I have had a great deal to do with hydraulic machinery in England.
350. This application of water in the form of motive power has only recently been invented? No; I have had to do with it in England in reference to large works, where it was carried all over the works, and goods warehouses, where it was carried all over the goods sheds for the cranes that are used for loading the trucks.
351. *Chairman.*] Where each firm has its own generating power? Exactly. Take any large engineering works at Home: it is a usual thing to have a hydraulic pumping plant in the engine-house, and convey the mains all through the works. They use the power in one shed for punching and shearing the iron, in another for rivetting the girders, and for similar work throughout the other sheds. That is only an illustration on a small scale of what is proposed in Sydney.
352. *Mr. Barbour.*] Generally speaking, you approve of hydraulic-power in preference to steam? Oh, certainly.
353. And to any other power at present used for general purposes? Yes; for general purposes.
354. It is safer and less liable to accidents such as explosions or anything of that sort? Yes.
355. And quite as efficacious in producing results? Yes; for general purposes.
356. Do you think that if this system were introduced in Sydney it would be largely taken advantage of for the application of power? That would be more a commercial point than an engineering point. Where banks and warehouses have lifts at the present time they would not be likely to alter their arrangements, unless they saw some chance of saving money.
357. *Chairman.*] Take the case of a warehouse where they have an installation of their own. They have to have a steam or gas-engine to raise the elevators, and an engineer probably to look after it. If this power was available by the mere turning on of a tap it would be very much cheaper? It ought to be.
358. Both for construction and for maintenance? It ought to be.
359. Your experience, I suppose, is that where facilities are given to the public they are generally availed of? Yes.
360. *Mr. Wall.*] Suppose you were called upon in your position to recommend a power for general distribution over the city, would you recommend hydraulic-power? Certainly.
361. *Chairman.*] Are you aware that there is a sort of water injector which has been patented for the express purpose of applying this power to an ordinary low-pressure system of water for fire-extinguishing purposes? No; but I should think it was a practical thing. I have not seen it.
362. You think there would be no difficulty in the matter? In the form of an injector, I do not think there would be any difficulty.
363. Do you know what kind of water they were using in London—whether it is salt or fresh? I would not be sure. I think it is very improbable that they would use salt water.

Thomas Bunce, Esq., called in, sworn, and examined:—

- T. Bunce, Esq.
24 Feb., 1888.
364. *Chairman.*] What is your profession? I am an engineer.
365. Have you recently been superintending the erection of an hydraulic plant at Messrs. Gardiner Brothers? Yes.
366. Are you in business in Sydney? No; I belong to a London firm—Messrs. Waygood & Company, of London.
367. Were you specially sent out from London to erect this plant? Yes.
368. You have had a large experience in the erection of these plants? Yes; extending over about seventeen years.
369. Principally with hydraulic plants? All hydraulic works during that time.
370. Is this work completed at Messrs. Gardiner's? Yes.
371. Do you know anything of the London Water-power Company? Yes; I was outdoor foreman for Mr. Ellington, the promoter of the London Power Company, for a period of eight years. I have been with Waygood and Company for a period now of nine and a half years, and since the Power Company has been working in London I have put up, or assisted to put up for Waygood and Company, 115 different machines under the Power Company's service in London.
372. You have not had any connection with the Power Company? No more than fixing the work on to their mains.
373. Applying their power to machinery of different kinds? Yes; principally lifts.
374. Where are their works situated? At Falcon Wharf, at the foot of Blackfriars Bridge.
375. How far do their mains extend? I cannot exactly say. I suppose they have 12 or 13 miles of mains down, and the furthest point from the pumping station would be about 6 miles in a direct line.
376. What is the size of the principal mains? 6 inches.
377. It is found amply sufficient for all purposes? Yes.
378. Would it be necessary, if there was a larger demand on the part of the consumers, say 100 per cent. more than at present, to lay larger mains, or are the present mains sufficient to meet all requirements? I can hardly say that. I think the 6 inch main is found sufficient for all present purposes. There are places where they have laid a supplementary main, to be used in case of a breakdown, but that is not all over the service, it is only in particular places.
379. Are the mains laid down in circuits so as to prevent any undue stoppage? Yes.
380. So that if a breakdown occurred there would be comparatively few customers inconvenienced thereby? That is so.
381. What is the distance roughly? I cannot say. They have mains up one street and down another. They work them round that way so that if one end of a street is stopped they can work in from the other end up to particular points.
382. Is this power coming more into general use in London? Yes. As far as our system is concerned we do a great deal of business with them; in fact I may say that we have more orders every month. That was the case up to the time I left Home, and I suppose it continues the same.
383. Where are the mains laid, under the footpath, or under the road? About a yard from the edge of the footpath—just beyond the water-channel.

384. What are the roads made of in the city of London? The roads are all concrete covered with asphalt; some of them are covered with wood.
385. Would it not be more inexpensive to lay them under the footpath? In London a great many cellars are used. These cellars extend under the footpath as far as the edge of the road; they are generally used as coal cellars.
386. *Mr. Barbour.*] Which is the most advantageous plan, to put them under the footpath or under the road? It would be a matter of opinion. If a house on the opposite side of the street wanted the power you would have to cross the street to it. The roads are pretty wide in most parts where the mains are laid. They can take up part of the road without inconveniencing the traffic greatly. It would inconvenience the traffic altogether if it was laid under the footpaths.
387. *Chairman.*] A 6-inch main would not require a trench of more than 20 or 24 inches? 18 inches we have.
388. Has there been any accident through the operations of this Power Company in London, through the bursting of a main or anything like that? I have never heard of a bursting since the day the mains were put down.
389. What metal is used—wrought or cast-iron? Cast-iron generally. The pipes are made for the purpose. They are, I suppose, $1\frac{3}{8}$ inches thick. They are all tested to a pressure of 2,500 lb. to a square inch before leaving the maker's works.
390. What is the working pressure? 700 lb. They are all tested in lengths of 100 yards before they are buried in the street.
391. *Mr. Barbour.*] If there was a fault it would be shown by a leak? The pressure being so strong it would not be at all difficult to find a leak.
392. *Chairman.*] Do you know whether the city authorities of London have ever raised any objection to the streets being cut up for this purpose? I think not.
393. There is less inconvenience to the public from the laying of 6-inch pipes than there is from the laying of ordinary gas-pipes? Oh, a great deal.
394. *Mr. Barbour.*] The streets are more frequently cut up to get at the gas mains than to get at the power-pipes? I cannot say; I have not taken any notice of it. The pipes being so much stronger they are laid in such a substantial manner that there is very little danger of their giving way.
395. *Chairman.*] I suppose if there had been hydraulic-power available, there would have been no necessity for this separate installation that you have laid at Messrs. Gardiner's? Beyond the lifts themselves there would be no power required.
396. How is it driven? By a gas-engine.
397. Neither a gas-engine, nor an accumulator, nor a working engineer would be required? No; at Home we simply turn on a tap in the street or in the building.
398. How is this water given to the consumers, by a meter? It is measured after the power is taken from it, on the exhaust side of the lifts. The water simply runs from the meters by gravity.
399. What guarantee have the customers of the power supplied? I do not know what guarantee. I have never gone through the company's rules. I have never known lifts to be stopped for many minutes altogether, anywhere. Once or twice we have had complaints of the lifts standing for a short time, but it has never happened for more than an hour. It might be occasioned by making a new connection.
400. You have heard no serious complaint of customers being deprived of power? No.
401. *Mr. Barbour.*] What is your opinion of this power, as compared with other powers, such as steam? Well, the great advantage of the hydraulic-power is that there is no expansion of water. When the valves are closed all power is done away with or stopped. With steam-gear it requires a skilled man to use it, and look after the expansion of steam in the cylinders, but that does not occur with hydraulic pressure.
402. Therefore the risk is less? A great deal. Again, in the case of a burst, as soon as the hydraulic pressure is off the first flint relieves all pressure, but with steam, expansion and heat follow it up.
403. *Chairman.*] Steam is elastic and water is not so? Yes. The same faults occur with compressed air as with steam.
404. In the one case the steam and air expand, and continue the destructive effects, while in the other a drop of water immediately releases the pressure? Yes.
405. *Mr. Barbour.*] Have you any remarks to make as to the superiority of this power over any other power? A child or boy can apply hydraulic-power without any risk to himself. It is also a power which if there is a small leak shows itself immediately; that does not occur with either compressed air or steam.
406. *Mr. Wall.*] How long is it since the company first started in London? About five years.
407. Has this power superseded the power which was in use before? Oh, yes; our firm alone have taken something like seventy or eighty gas-engine plants out that were put in for the purpose of pumping water for lifts; low-pressure lifts are going out of date altogether.
408. *Chairman.*] Have you ever seen it applied to a low-pressure system of water for fire-extinguishing purposes? I have seen it, but I could not give you any information on that point.
409. There is a sort of injector patented for that purpose? I think there are two or three.
410. You see no particular difficulty in the way of applying it? No.
411. Have you ever seen this injector applied for the extinction of fires? I have seen the effect of the application of this power to the extinction of fires, but I have not seen the actual machine itself. The difference would be 70 or 80 per cent. more by applying a jet of high-pressure water to low-pressure system—it throws the water a distance of 170 or 180 feet.
412. I suppose that, as a rule, this power is cheaper than any other power that could be applied for lifts? We find it very much cheaper than separate lifts, especially in a warehouse where only two or three lifts are required. Where a number of lifts are used—such as at a railway station, where they are bound to keep steam-power—they find it cheaper to have a plant of their own; but where there is no machinery, and only one or two lifts are used, the Power Company is a great deal cheaper.
413. If they had to erect an engine to give the power, would it be cheaper? I do not think it would. The hydraulic-power does not make any difference to the insurance, nor is any skilled man required on the premises.
414. It rather reduces the insurance rate? I suppose it would, supposing injectors are fitted on to the fire main on the premises. It dispenses with an engine and skilled attendance.

T. Bunce,
Esq.
24 Feb., 1888.

- T. Bunce, Esq.
24 Feb., 1888.
415. Do you know of any power that is cheaper than this? No; the power can be conveyed from 200 feet up to a mile or 10 miles by pipes cheaper than by using any other known system.
416. *Mr. Wall.*] Have you any knowledge of the charges for this power? I gave Messrs. Gardiner Brothers one of the Company's books a short time ago. They have a special charge for low consumers, but after they get beyond a certain consumption—from 2,000 to 5,000 a year—it ranges from 5s. 6d. down to 2s. 3d. or 2s. 4d. a thousand gallons. A small consumer—that is, a man who consumes under 5,000 gallons—has to pay a fixed rate. I have some circulars showing the prices.
417. *Chairman.*] It is fresh water which they use? They are using fresh water, which they pump from the river, but in most of the docks in London and about the country they use salt water with it.
418. Nearly all the London docks are worked by hydraulic-power? Everyone of them.
419. Have you had any experience of Hull? Yes; I have put up a great number of machines there for the Hull Dock Company.
420. Their docks are supposed to be about as complete as any docks in the world? I suppose so.
421. They are exclusively worked by hydraulic-power? Not exclusively. They have some steam cranes, which they use for special purposes.
422. There they use salt water? I cannot say. I think they make up with salt water, but I have no great knowledge of the last new plant they put up. I was out of the London Company's employ at that time. But Armstrong's first establishment was worked by fresh water. The water was always returned by means of a tank, and the waste was made up from the water main.
423. Where does the returned water go? It always goes to the drains.
424. Where a power company would have to pay for their water that would be very expensive? They do have to pay a certain amount for drawing it out of the river. It is very little. If a company had to pay any great amount for their water, I suppose they would have to add it on to the price of the power.
425. What is the effect of salt water upon the pipes and valves? It does not affect the pipes at all. It affects the valves very little.
426. *Mr. Barbour.*] Why take the fresh water then? It has not such a tendency to rush. There is less friction with it too. It gives a more effective power. Salt water in itself is of a rather rougher nature than fresh water.
427. Can this power be applied to anything for which power is wanted? You could use it for anything you could possibly imagine. There is nothing but what you can apply hydraulic machinery to.

Frank J. Appleby, Esq., called in, sworn, and examined:—

- F. J. Appleby, Esq.
24 Feb., 1888.
428. *Chairman.*] You are a representative of the firm of Appleby Brothers (Limited) of London? Yes.
429. You are general engineers? Yes.
430. You make a special feature of hydraulic machinery? Yes.
431. How long have you been in Sydney? About three years..
432. Have you any knowledge or acquaintance with the London Hydraulic-power Company's operations? I have no knowledge of their operations. I examined the head station before I left London for Australia. It is situated at Southwark.
433. We have been informed that your firm has some plan of applying water-power to the lifting of sewage and other things? Yes; I have the plan with me.
434. Do you know how far the operations of the London Power Company extend;—what distance from the head station? No.
435. You do not know the size of their mains? I have no particulars.
436. Is water-power coming more into use in London and other parts of the world? Oh, yes. In London it is being very largely used now, and on the Continent you may say that almost every dock has been fitted up with a complete water-power system. It is the case in Genoa.
437. The various docks in London are worked by means of hydraulic-power? Yes.
438. Has it been found most efficient? Most efficient and most economical. The new docks at Tilbury use hydraulic-power entirely.
439. I suppose they have a generating power of their own? Yes.
440. I suppose if this power could be obtained at a cheap and easy rate it would increase the number of small consumers? I think so.
441. Do you know of any objections being raised by the city authorities of London to their streets being destroyed by the laying of these pipes? No; I think no objections have been raised, because the openings which are required are very small. The mains themselves are small, not larger than 8 or 9 inches.
442. What are they—cast or wrought-iron? Cast-iron of a special pattern as to the jointings.
443. These pipes undergo a test before they leave the factory? Everyone is tested. All our pipes are tested before leaving our works.
444. To what pressure are they tested? To 2,000 lb. Their working pressure is generally 700 lb.
445. *Mr. Wall.*] Are they tested separately, or in sections? Separately always.
446. *Chairman.*] I suppose this hydraulic-power is available for nearly every kind of machinery for which power is required? Yes; I do not know of a single thing for which it cannot be utilized.
447. Have you ever seen it applied to a low-pressure system of water for fire-extinguishing purposes? No; I cannot say that I have—not off power mains. The system is comparatively new in London. It is only three years ago that they were laying the mains.
448. I suppose you can see no mechanical difficulty in the way of applying it to fire-extinguishing purposes in a similar way as an injector is applied to water? No; it would be a very great safeguard to the city to have these mains laid. In my opinion I can see no difficulty.
449. *Mr. Barbour.*] As far as you know, has it been applied to that purpose? I am not aware.
450. Suppose this power was available, do you think it would be largely used for lifts? Undoubtedly, especially in the part where they propose to lay the mains. There are many buildings not possessing lifts which would at once put in lifts. In many cases the only hindrance to putting them in is the fact that they have not room for the necessary engines, but if the power was there it would simply be a question of cutting an opening for the lift to work in.
451. Even if they had a place for the engines, would it be cheaper or dearer to use this power? It would be cheaper in every sense, because you would save not only the cost of your engine, but also the expense of a man to attend to it.
- 452.

452. *Mr. Wall.*] Do you think that the city of Sydney would be suitable, as regards its situation, for the introduction of this system? Yes. I do not see in any way how it would be inadvisable at all. It is not a question of having the pipes above the ground or in any way interfering with the traffic at all. The narrowness of the streets of Sydney necessitates the erection of very high buildings, and undoubtedly the introduction of this power would increase the value of property to a great extent. As regards facilities for loading and unloading vessels, Sydney is terribly behind the times. Undoubtedly there ought to be a system of hydraulic cranes right round Circular Quay. I was surprised when I saw the appliances they are using for discharging cargo.
453. *Chairman.*] Have you visited Newcastle? Yes. There is a very fine system of cranes there.
454. They were erected by your firm? Those were steam, not hydraulic.
455. You have seen the hydraulic cranes? Yes; they are very fine cranes.
456. *Mr. Barbour.*] Is it a superior system to the steam? It is much more economical where you have a large area to deal with. In the case of a company supplying mains it would be more economical. On many wharfs in London they will not allow steam-cranes at all; the use of hydraulic-power is a safeguard against the risk of fire.
457. *Chairman.*] Have you ever been in New York? No.
458. *Mr. Barbour.*] Do you know of any objection to the application of this power to the various purposes in Sydney? There can be no objection that I can possibly imagine.
459. It is superior to all other powers? Yes.
460. It is cheaper, more efficient, and safer; it is so effective and simple that it can be applied as easily as gas can be turned on? Yes.
461. *Chairman.*] What would be the effect of salt water, if it was used on the mains and taps, would it be very detrimental? No; I do not think so, because during the greater part of the day the salt water would be continuously in motion.
462. I suppose you would prefer fresh water? Yes; I do not think that salt water would have any very great effect upon the life of the mains. They might want renewing at an earlier date.
463. *Mr. Barbour.*] Would salt water have a greater tendency to cause a smell than fresh water? Oh, no; it might be possible to use salt water with a certain proportion of fresh water added, which would minimise any corrosion on the pipes.

F. J. Appleby,
Esq.
24 Feb., 1888.

THURSDAY, 1 MARCH, 1888.

Present:—

Mr. Barbour,

Mr. Wall.

JACOB GARRARD, ESQ., IN THE CHAIR.

Ernest Broad, Esq., appeared as Solicitor on behalf of the promoters of the Bill.

William Gilmour Murray, Esq., called in, sworn, and examined:—

464. *Chairman.*] What is your profession? I am a merchant.
465. How long have you been engaged in business in Sydney? Fifteen years.
466. You are a member of the firm of Gibbes, Bright, & Co.? I represent them.
467. You recently returned from the old country? Yes.
468. Had you opportunities, whilst in London, of seeing the operations of water-power companies? I had; but I saw more in America, in San Francisco, Denver, Chicago, and New York.
469. Will you give the Committee any information which you possess about the system, as you saw it applied in those cities? The hydraulic system is in operation in every place that I visited. The most important instance is one that I saw in New York, at the Produce Exchange Company's establishment. They had an immense lift in a building over 400 feet high; the lift went up and came down very rapidly. It acted beautifully.
470. Did they generate their own steam, or was it supplied by a general company? I am not quite sure, but I think they have a general company.
471. You saw it in operation? I went up with it.
472. Is it in a large place of business? Yes; an immense place; there were thousands of people there.
473. How many lifts were there? I think two; but a great number of people could go up with it at one time.
474. Did you see any more in New York? No. In Liverpool, I saw a large one which would lift from 100 to 200 people. It is connected with the railway under the river.
475. For the purpose of raising and lowering the passengers? Yes; you got into a large room on the lift, the door is shut, and you were lowered down immediately.
476. Have they had any accidents? None whatever.
477. Is there any fear on the part of the travelling public? None whatever.
478. Had there been any fear, you would have heard of it? I must have heard of it, had there been any.
479. How long has the lift in Liverpool been in operation? I believe about two years.
480. During that time you are not aware that any accident has occurred? No.
481. Did you see any lifts at work in any other place? Yes; in London, I saw a number of lifts for goods. I do not remember seeing any there for passengers. Goods are lifted rapidly and lowered down quickly.
482. You are not aware whether the power was generated by the owners themselves, or whether it was obtained from a general company? No; there was one general company near the city, and there may have been others.
483. And was the power for these lifts derived from one of the companies? It was.
484. Did you hear of any breakdown or accident occurring from the use of these lifts? No.
485. Did the power supplied by the company seem to give general satisfaction to their customers? Immense satisfaction. At the time that I was there the house that I was connected with were treating with the company to erect a hydraulic hoist, which they have done since.
486. Then, in your opinion, hydraulic-power is coming more into use every day for commercial purposes? It certainly is.

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- W. G. Murray, Esq. 487. Both in the old and the new world? Yes.
- 1 Mar., 1888. 488. Are you aware that a company has been formed for the purpose of bringing hydraulic-power into use here? I am.
489. Do you consider that it will be beneficial to the city of Sydney? I do; I consider that it is quite needed. I took an active part in initiating this Company for the reason I have mentioned, and I think it is a good thing for the public.
490. During your fifteen years in business in Sydney you have seen, I suppose, a great alteration in the style of buildings erected? Yes, a great alteration.
491. They have been erected higher? Yes.
492. And the need of some cheap and inexpensive power to get to the top is apparent? Yes; to get to the top with as little muscular exertion as possible.
493. Do you think that if a company were in operation there would be a large number of applicants for power? I certainly do.
494. Can you tell the Committee of any possible or probable accident that might occur from using it? The only accident that I can conceive of would be from using pipes that are too slender, because the pressure must be very great. Great care must be exercised in that respect.
495. Even if the bursting of a pipe did take place it would not have such a dire effect as steam, would it? Not at all.
496. Did you see, whilst in London, this power applied to the extinguishing of fires? I did not.
497. I presume that any power which would enable high buildings to be better utilized would increase the value of property in the city? It must do.
498. And as a natural consequence it must increase the rate roll of the City Council? Yes.
499. You are therefore of opinion that, in the interests of the citizens individually and of the city generally, a power like this would be a great boon? Yes; no doubt it would. I should mention that I am quite aware that goods are lifted by hydraulic force in many places. At the docks, in London, it is of immense service.
500. It would not pay small consumers, I suppose, to erect works to produce their own hydraulic-power? No.
501. This is where a general company would be beneficial? Yes.
502. During your residence in London did you have an opportunity of seeing the streets opened for laying the pipes? No; I did not see that.
503. You are not aware of the position of the streets in which the mains are laid? No; they were all covered over. I was in Hull too, and I heard from a number of merchants there that they were wonderfully pleased with what had been done in Hull.
504. Hull has extensive docks, has it not? Yes.
505. All served with hydraulic-power? Yes.
506. Do you know if any objection was made by the city authorities of London to the granting of power to the company for opening the streets, and so on? I am not aware, but they are very conservative people, although they have got their hydraulic companies.
507. Can you realize or understand what objection could be made by the city authorities here if anybody wanted to supply hydraulic-power in the city? I cannot, unless it were the danger of increasing the amount of the rates by breaking up the streets.
508. But if the pipes were put down strongly at first it would be done once and for all? I cannot see why there should be any objection to it.
509. But there would not be any interruption of the traffic when putting down pipes as there is when putting down gas mains? No.
510. And the advantage to the city authorities in increasing their rate-roll would more than counter-balance the disadvantages of the interference with the streets? Yes.
511. *Mr. Barbour.*] I should like you to describe that agricultural company in New York which you spoke of? It is the New York Produce Exchange Company. There is one immense building where about 2,000 people can meet and transact business. A certain number can go up to the top of the building at any time they like.
512. And connected with that building there is a hydraulic lift? Yes.
513. Is it different from the ordinary hydraulic lifts? I do not think so.
514. Is it peculiar from its size? It takes a great number at one time over 400 feet high.
515. Could you give us any idea of the number of passengers it could carry at once? I am not quite sure, but from my recollection the number would be 30 or 40.
516. Is the building 400 feet high? Not the whole of it, but one part of it is that height. From the top of it you can see the great Brooklyn Bridge and Bartholdi's statue.
517. From your intercourse with merchants and business people generally what do you gather to be their general opinion with regard to hydraulic-power? They could not do without it. It is one of those things which they must have.
518. Did you get the impression that it was a superior power to any hitherto applied? Yes, very much.
519. In what respect? It seems so silent, so effective, and so powerful.
520. And economical? I did not hear anyone complain about its cost.
521. Have you any idea as to the relative cost of this power? I am sorry that I cannot say anything about that point. I did not direct my attention to that.
522. And generally speaking it is looked upon amongst merchants as an advantage? As a great advantage.
523. Do you think this Company would be encouraged by having a great many applications for its power? I think so; they ought to be at any rate.
524. And it would be a profitable thing for the Company as well as for the people? It ought to be.

Edward Orpen Moriarty, Esq., called in, sworn, and examined:—

- Edward O. Moriarty, Esq. 525. *Chairman.*] You are Engineer-in-Chief for Harbours and Rivers? Yes.
- 1 Mar., 1888. 526. The water supply of the city of Sydney is under your jurisdiction? It is at present.
527. You are the originator of that scheme? Yes, I am. 528.

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528. And have had the carrying out of the work? Yes.
529. How long have you been engaged in the profession? Nearly forty years.
530. You have also carried out a number of country water supplies, have you not? Yes. All those that have been carried out have been carried out under my supervision—the water supplies of Bathurst, Wagga Wagga, Albury, and the Hunter River, embracing those of Newcastle and the mining townships.
531. Coming to the water supply of Sydney, what is the pressure at which the great bulk of the water is served in Sydney by gravitation? About 70 lb. to the square inch. That is the water supply by gravitation.
532. You have also had a great deal to do in connection with the supply of our harbours with hydraulic-power? Yes; I constructed several hydraulic cranes at Newcastle for the coal trade.
533. Have they been a complete success? Yes.
534. From your knowledge as an engineer are you aware whether hydraulic-power has come more into use of late years? It is quite a modern invention.
535. And seems to be the best power for quiet effectual work? Yes; where you require great power.
536. In the water supply of Sydney, I suppose, the pipes that at present reticulate the city would not bear a higher pressure than 70 lb. to the square inch? I do not think they would bear much more.
537. It would be dangerous to use the present reticulation for the pressure of much more than 70 lb.? Yes, it would.
538. Do you think that if a power company, giving a pressure of say 700 lb. to the square inch, were brought into operation in Sydney it would be beneficial? It would be a great benefit.
539. And water-power could be applied to the use of hydraulic lifts? Yes.
540. And it would be capable almost of indefinite expansion? Quite so.
541. Are you aware whether any injector or ejector has been used to operate upon a low-pressure scheme of water with a jet of high-pressure for fire-extinguishing? I have heard of that.
542. You can see no practical mechanical difficulty in the way? No.
543. It is much on the same principle as the Gifford injector, is it not? Yes.
544. In other words, if a small jet of water is applied to a larger body it will convey that larger body with increased power and volume? It will.
545. Then if such a power was available it would be very valuable for the extinguishing of fires on high buildings? I do not know that it would, because you would require a large consumption of water to throw it. I think a better plan for the extinguishing of fires would be to fall back on the reservoirs already constructed. Waverley reservoir gives a head of 360 feet, and you can draw off any quantity you like.
546. But Waverley only controls the higher levels of Sydney? It can control the whole of Sydney as long as the reticulation pipes are sufficiently strong. It is only necessary to have a proper system of valves to turn the water on.
547. But some of the lower levels are subject to low-pressure,—would it not be dangerous to turn 360 lb. pressure into them? Perhaps, at present, they would not stand it.
548. But you might use Paddington or Woollahra reservoirs? There are the Crown-street, Woollahra, Paddington, and Waverley reservoirs, and all these may be turned on the city at various heights.
549. We have it in the city at lower levels. At Hoffnung's buildings, for instance, the water from the gravitation scheme would not reach to the top of the building. Therefore, if a fire occurred, it would necessitate the use of a steam fire-engine in the street, or some power to enable the water to be thrown to the top, would it not? No; it is only necessary to connect the pipes with the Paddington, Waverley, or Woollahra reservoir.
550. But would there not be a danger of pipes intended to carry only a low pressure bursting if such a high pressure were turned into them? I think that the pipes should be made stronger than they are at present.
551. That is, in any future reticulation scheme, stronger pipes should be used? Yes. Most of the old pipes in Sydney are very thin.
552. But is it not a fact that the mains running down Pitt-street are only capable of carrying water at a pressure of under 100 lb. to the square inch? Yes, at present; that is the old pipes.
553. Therefore, if a fire broke out there, it would be necessary, in order to control that fire, to use the power of a steam-engine to combat it? Yes; I think it would.
554. *Mr. Wall.*] With regard to this matter of fire in places where it would be necessary to carry water to the top of a high building, would this hydraulic-power be of any assistance in carrying the water from the mains to the tops of the buildings? I do not think you would get much benefit from that.
555. Under your present system, what advantage would the gravitation be. We should still have to fall back upon our present system of fire-engines to force the water to the top of the building, should we not? No; on the contrary. It would only be necessary to connect the city with whatever reservoir was required—either the Paddington, which is 220 feet, the Woollahra, or the Waverley reservoir—and turn on the water from there. These reservoirs command the whole of the lower parts of the city.
556. But suppose firemen were compelled to stand in the street and attach a hose to the main, would that command the whole building if it was connected with the reservoir? Yes; you would have to connect it, and it would command the whole city. There are several zones commanded by certain reservoirs, and you have to open certain valves to bring the water to bear.
557. It would be necessary to connect the mains with the high reservoirs to command all parts of the city? Yes.
558. Would that connection make any difference to the present pipes—would it not give a pressure of more than 70 lb. to the square inch? It depends where you connected with. The pipes are all charged now; and if a fire occurred in any of the higher parts of the city, and you found it necessary to connect the Waverley reservoir, you could turn the Waverley water on the whole of the city.
559. Yes; but by turning on the water to the whole of the city, would not that give a pressure of more than 70 lb. to the square inch in the pipes? It would give a pressure equal to that of the reservoir with which you connected.
560. I think you stated that these pipes would not stand a much greater pressure than 70 lb.? Some of the lower level pipes would not.
561. If you turned on a higher reservoir it would give a pressure higher than the pipes would stand? Yes; some of the pipes might give way.

- Edward O. Moriarty, Esq. 562. *Mr. Barbour.*] When applying that power you would want new pipes? Pipes capable of carrying it.
- 1 Mar., 1888. 563. And until you get them it would not be safe to apply it? I dare say most of the pipes would stand more than 70 lb. pressure to the square inch.
564. *Chairman.*] Is it in contemplation to erect cranes round the Circular Quay? Yes; I had an idea of erecting cranes there.
565. In the event of a company being established to supply an hydraulic-power, would it be cheaper for the Government to take that power from the Company than to erect plant of their own? I think it would be; the Company would have a large basis of operation which the Government would not have.
566. I suppose whether you would have a separate plant would depend upon the magnitude of the work you had to do—If you had only five cranes it might pay to obtain the power from the Company; but if you had twenty, it would pay to have a plant of your own? Yes.
567. Do you think a company of this kind would be a very great benefit to the city? I think it would. We never could have done our work at Newcastle without the hydraulic cranes.
568. You are dispensing with the old system of cranes, and getting hydraulic-power? Yes.
569. The work could not be done except by that power? No.
570. And it is done as effectually and as economically as by steam? More so.
571. *Mr. Barbour.*] How is this power produced? We have two steam-engines of about 30-horse power which pump the water into accumulators, which have a pressure of 700 lb. to the square inch. They work the hydraulic ram connected with the cranes by very strong pipes.
572. In a similar way to what this Company proposes to do, I suppose? I suppose it will be the same.
573. Then you prefer that power to steam-power? Yes.
574. Is it cheaper? It is. The cost of the hydraulic cranes for the year 1887, wages and repairs, was £412; stores and materials, £52, making, you may say, about £467 for the expenses of eight cranes. Each of those cranes constantly lifts 2,000 tons in the twenty-four hours, and all are capable of easily lifting 1,000 tons in ten hours to a height of 30 feet.
575. And if the same work was done by steam can you give us any idea what it would cost? I should have to get you the figures.
576. Would it be twice or ten times as much? Nearly twice as much. The wear and tear of steam cranes is very much greater than that of hydraulic cranes.
577. *Mr. Wall.*] Do you think the general system of hydraulic-power in the city would be cheaper than the supply of hydraulic-power in isolated cases? Well, we are very favourably situated at Newcastle. The hydraulic cranes are on the front of Bullock Island, and the water is close at hand.
578. *Chairman.*] What water do you use? Fresh water.
579. Do you prefer fresh water to salt water? Yes.
580. Would there be any serious objection to using salt water? I do not think that there would be.
581. *Mr. Barbour.*] Do you know of any objection to the application of this power which the Company proposes to place at the command of the public? No; I do not know the slightest objection. I think, on the contrary, that it is very desirable.
582. In your opinion would you prefer it to steam? I think so.
583. *Chairman.*] In the event of the breaking of one of the pipes, would the effect be more dangerous than the bursting of a steam-pipe? The bursting of a steam-pipe would certainly be worse.
584. *Mr. Barbour.*] In your opinion, would there be any serious objection to this system of water-power—would the laying of the pipes interfere very much with the streets? Not more than laying down ordinary water-pipes.
585. I suppose small pipes would be used? Yes, all small pipes.
586. What size would the pipes be? 6-inch pipes. At Newcastle the pipes are about 6 inches. You could not use large pipes with the extraordinary pressure you have to work at.
587. Could this power be easily and profitably employed for lifts? That, in my opinion, would be its proper use.
588. Would it be a useful and a cheap power? It would be both cheap and useful.
589. And in a crowded city where space is of value if such a power could be applied by the Company it would occupy less room, would it not, than a steam-engine? Yes; very little space would be required. You could turn on a tap and get the power.
590. And you think it would be an improvement in that respect on the present appliances? Yes; in fact we have no appliances in Sydney deserving that name.
591. You think a field is open for it here, and that it might be made to pay? Yes.
592. And that it would be beneficial to the public? Yes.
593. And the Company would be in a position to supply the power cheaper than it could be done in any other way? I think so, so long as there is an extensive base of operations as there is here. There is one alteration which I would suggest in the Bill. Clause 11, on page 3, says that the pipes may be put down with the superintendence of the local authority. I suggest that the word "consent" should be inserted to make it read "with the consent and superintendence of the local authorities."

TUESDAY, 6 MARCH, 1888.

Present:

MR. BARBOUR, | MR. DAY,
MR. LEES.

JACOB GARRARD, ESQ., IN THE CHAIR.

Ernest Broad, Esq., appeared on behalf of the promoters of the bill.

Michael Chapman, Esq., M.P., called in, sworn, and examined:—

- M. Chapman, Esq. 594. *Chairman.*] You are a member of the Legislature of New South Wales, and an Alderman of the city of Sydney? Yes.
- 6 Mar., 1888. 595. How long have you been an Alderman? About twenty-six or twenty-seven years.
596. On one or two occasions you have been Mayor of Sydney? On two occasions. 597.

597. Have you had an uninterrupted tenure of the office of Alderman? No; I was defeated at the end of the first eighteen months of my aldermanic career. I was out of the Council for about twelve months.
598. Have you been long resident in Sydney? About forty-eight years.
599. During your connection with the Corporation you have seen great alterations in the city of Sydney with regard to buildings and other things? Yes.
600. The buildings which are now being erected are very much larger and higher than the buildings of past years, I suppose? Yes.
601. Have you read the Bill which is before the Committee? I have just glanced over it; I cannot say that I have read it.
602. You know it is a Bill in which power is asked to form an hydraulic-power or water-power company? Yes.
603. Have you had any experience of water-power in connection with lifts for buildings or otherwise? No.
604. Are you aware whether this Bill has been before the City Council? I am aware that it has been before the City Council within the last week or so—I think within the last two or three weeks.
605. Do you know whether the promoters of this Bill have had any communication with Mr. Riley, the ex-Mayor, on the matter? I do not know of my own knowledge, but I have heard that they have.
606. Do you know whether any communication has taken place with the present Mayor? No.
607. Do you think it desirable, in the interests of the citizens, that this power should be given to the Company? No. I think it is the right of the Corporation.
608. Why do you think it is undesirable? Because I think that no company should have the right to cut up the streets of the city, and do as they think proper in laying the pipes, ignoring the rights of the Corporation.
609. You have not read the Bill carefully? No.
610. Would you be surprised to learn that it provides that everything shall be done under the supervision of the city authorities? I am not surprised at that, but I am surprised that no mode of remuneration is mentioned for the City Council.
611. Are you aware that under the provisions of this Bill the promoters propose not only to do everything under the supervision of the City Council, but also to keep that portion of the city which is disturbed by them in order for three months? I am not aware of it; but if it is anything like the order in which the streets are kept by the Gas Company, I most decidedly set my face against it, and so would any citizen.
612. Your objection is based on the experience you have had of the Gas Company? Yes.
613. Is it necessary for the Gas Company to give you notice of their intention to make an opening in a street; or is it done under the supervision of the Council? No.
614. So that if these provisions are contained in this Bill it will be something in advance of the Gas Company's Act? Very little. The Gas Company, though they have done the best they could, have not given satisfaction in this respect.
615. With regard to the principle of water-power, do you think it desirable that it should be brought into use in this city for the purpose of lifts and otherwise? Yes; by the Corporation, who, I believe, at the present time, have the right to supply this power; if they have not, Parliament should give them the right immediately.
616. Do you know of any corporation or self-governing body in any part of the world that supplies a power of this kind to the citizens? No; my experience in other parts of the world is not much.
617. You do not know of any corporation or local governing body that supplies this power to the citizens? No.
618. Do you think it desirable that the Corporation of Sydney should do so? I am of opinion that they have the right already, but if they have not, it is most desirable that Parliament should give them the power.
619. Might not that principle be extended with regard to supplying the city with food, etc.? No.
620. Where is the difference? We have spent hundreds of thousands of pounds in making our streets and improving them, and you would not have to cut up the streets to supply the city with food.
621. Would not the vehicular traffic which brings the food into the city cut up the streets too? This money has been spent for the purpose of meeting the demands of the vehicular traffic. Quite so; I have always considered it an injustice that the control of the vehicular traffic has been taken away from the Corporation.
622. Your objections with regard to the disturbing of the streets refer more particularly to the wooden block system, I presume. Would it not be very much minimised if the power-pipes were laid under the footpath? I do not think it; I think, under any circumstances, the pipes ought to be laid alongside the kerb; but no matter how you do it you make the thing most inconvenient for the people, and in all cases you incur an expense to the Corporation.
623. Hoffnung's buildings, for instance, pay larger rates to the City Council than the buildings which formerly occupied the site? I presume they do. I am not in a position to say, but I presume that they are valued at a larger amount than were the previous buildings.
624. *Mr. Barbour.*] Consequently a larger income is derived by the City Council? Yes.
625. *Chairman.*] And if it is necessary that large buildings of that kind should have some power by which they can be utilized to the fullest extent, is it not in the interests of the Council that means of obtaining that power should be granted? Quite so; if the Corporation were allowed to do it.
626. Then I understand that you are clearly of opinion that the Corporation should go into this line of business? Yes; and the Corporation only.
627. Do you not think it would lead to very grave complications, the Corporation being the vendors of an article, especially such an article as power? Certainly not any more than the vending of water.
628. Is there not a difference between the mere reticulation of water through the pipes and the supply of a certain power by pipes? There is no difference between the two things as far as the laying down of the pipes in the streets is concerned. You, as an engineer, must know that there is a difference between the supply of water and the supply of power. But what I refer to principally is the cutting up of the streets and laying down of the pipes. Again, the pipes should not be in the principal streets of Sydney; they ought to be laid in the lanes. I find that the Gas Company object to laying their pipes in the lanes. They will lay them down the centre of the street, or on either side of the street. That is a power which I consider ought not to have been taken out of the hands of the Corporation.

M. Chapman,
Esq.
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- M. Chapman, Esq.
6 Mar., 1888.
629. What is the size of their mains in the centre of George-street? Some are 9 inches, some are a little more. The size is larger for the principal mains; I suppose they are about 20 inches.
630. That means a larger excavation and a greater interference with the street traffic? Yes.
631. Six-inch mains would interfere less with the traffic? Naturally.
632. Which causes most interference with the traffic, the cutting up of the streets or the cutting up of the footpaths? Both are bad; the cutting up of the street interferes with the vehicular traffic, and the cutting up of the footpaths interferes with the convenience of pedestrians.
633. As the majority of the streets are constructed you cannot make a road so good as it was before it was interfered with; I refer to the concrete block business? They profess to make it as good as it was at first.
634. But you think it is not? I do not think it is possible.
635. Is there any compulsion on the part of the Gas Company to keep the road in repair after the pipes are laid? No, I think not. They profess to make the road as good as they found it; they certainly take great trouble to attain that end.
636. The monopoly which the Australian Gas Company enjoys has been a matter of very great grievance to the City Council for many years past? Yes.
637. And all the evils attending the opening up of the streets have been increased rather than diminished by the action of the Gas Company? Yes.
638. You say that you think the Corporation has already the authority to supply water-power to the city—has it the right to supply any other power to the city? Yes; any power, I think.
639. You think that under its present charter it can supply any power to the citizens if it thinks fit? I may be mistaken, but I think so.
640. Have you visited any of the large warehouses or factories in the city lately? No; not being in business, I have had no occasion to do so.
641. You are aware that a large number of lifts have come into use in the very high buildings? Yes.
642. And that it would be practically impossible to do business unless provision was made to reach the higher levels of these buildings? Yes; by gas or water.
643. You are aware perhaps that in these buildings steam or gas has to be used for generating this water-power? Yes.
644. You think that a general supply, either by the Corporation or by private individuals, would be preferable to individual generation on separate premises? Yes.
645. And more economical? I think so.
646. *Mr. Day.*] Do the Committee understand that the Council have had under consideration the question of supplying the city with this kind of power? Yes.
647. Have they taken any steps at all towards carrying out the scheme? No steps have been taken as yet. The thing is spoken of, and I intend to table a motion in a few days to the effect that steps be taken in that direction.
648. Was there any question on the subject before the Council before this Company took steps in the matter? No; we never dreamt that we had this power until we had made inquiries after the idea was started by the Company.
649. Do you think that, in the interests of the citizens, this matter should be carried out by the Council instead of by a private Company? I do. My reason for it is that they are and ought to be the proper custodians of the streets, and that they alone should open and close the streets, and be responsible for everything in connection with such work.
650. *Mr. Barbour.*] I think you said that there was some doubt as to whether this application of the Company to Parliament had been properly before the City Council? The matter of their application has been brought before the Council within the last three weeks, I think.
651. We are informed in evidence that the late Mayor was communicated with on the subject long ago—did Mr. Riley ever report such a communication to the Council? No.
652. Are you aware whether he had been communicated with long ago? I heard him say that he had received a communication from somebody about this matter, but that, in consequence of its being the last week or fortnight of his mayoralty, and it occurring during the Centennial week, it had been overlooked. He certainly never laid it before the Council.
653. Has he lately represented the matter to the Council? He has mentioned in Council what I have told you.
654. He said that he had been communicated with two or three months ago, but that it had been neglected owing to pressure of other business? I would not say that he said it had been neglected. He said that it had been overlooked through pressure of other business.
655. Is there any feeling on the part of the Council that they have been ignored in this matter? Yes.
656. What is the ground of such feeling? They never had a copy of this Bill sent to them until, I think, about a fortnight ago. Aldermen, you know, are human beings, and they say, "Here is a Bill asking for power to do so and so, but we have never had it before us."
657. Have any steps been taken by the Council to examine the Bill during the two or three weeks that they have had it before them? I presume that every Alderman who has had a copy of the Bill has examined it.
658. Has any action been taken on the Bill by the Council—has any motion been brought forward, or has anything been done? Yes; it was decided by the Council to petition Parliament against the passing of the measure.
659. Are you aware of the grounds on which the Council oppose the Bill? In consequence of the ignoring of the City Council. I cannot say that those were the exact words that were used, but they embody their reasons.
660. Is their only ground of objection that of pride or displeasure? Certainly not. The Council are of opinion that the citizens should have some source of income from this Company, and be in a position to purchase the plant after the lapse of a certain time.
661. Have they any suggestions that they would like to make to this Committee relative to their wishes about the Bill? I am not aware, but I presume that they have.
662. Two of the objections to the Bill are that no provision is made for remunerating the City Council, and for enabling them to purchase the plant after a certain time? Yes.

663. You would like the Council to have the power of intimating their intention of purchasing the business at a certain price at a certain time? The wish of the Council is that so much money shall be set aside every year by the Company, and be allowed to accumulate for a term of (say) twenty-one or thirty years, or whatever term may be agreed upon, and that that fund should go towards the purchase of the plant by the Corporation. It is something on the lines of the provision which is contained in the Melbourne Tramway Act. M. Chapman,
Esq.
6 Mar., 1888.
664. Can you point to a precedent of the establishment of such a fund for such a purpose? Yes; the Melbourne Tramway Act.
665. What is the nature of the provision in that Act? It provides, as I have said, for the establishment of a reserve fund which is allowed to accumulate, and at the end of a certain time the money goes towards the remuneration of the Tramway Company for their plant.
666. Is this reserve fund in the name of the Council or in the name of the Company? I would allow neither the Council nor the Company to hold it. I would like it to be held by trustees as a separate matter. A company might get into Queer-street, and a council might spend a lot of money which they ought not to spend.
667. Does the Victorian Act provide that the money shall remain in the hands of the Company, or is it paid to the credit of the Council, or is it paid to the joint credit of the two bodies? I do not know exactly.
668. As to the disturbance of the streets, is it not usual for the Gas Company to disturb your streets? Unfortunately it is. It may have been just on the part of Parliament to give this power, but I question the equity of it. Parliament is too fond of taking away things from the Corporation.
669. Do they make you any remuneration? No. I think we pay £12,000 or £15,000 a year to the Company for lighting the city.
670. You think that there ought to be a provision of the kind you have described in this Bill? I think that any sane man would think so. It is nothing but reasonable.
671. You think the Council should have the right to supply this power to the city? Yes.
672. Has the Council ever asked Parliament to give them a Bill of this kind? No.
673. Had they ever considered the matter before this Bill was brought under their notice? No.
674. On what grounds do the Council think that they ought to have this power in preference to a company? The fact of their being the custodians of the streets. They are those who ought to be the liable for any accidents or occurrences.
675. On the same grounds, I presume, you think you ought to be the owner of the gas-works? Quite so; if we were in a position to break down the present monopoly.
676. Would the ratepayers support you in that contention? I do not know; we would not ask the ratepayers, because I, as the representative of a large ward, am sent in to represent the people the same as you are sent in to represent the people in Parliament.
677. Would the Council undertake a large work, such as the supply of water-power, without first consulting the ratepayers? We would not consult the ratepayers in a matter of this sort. Bear in mind that we exist under a different Act to what the suburban municipalities do. We have got powers which those municipalities do not enjoy.
678. But in any case do you think the Council would undertake a large business of this description without first consulting the ratepayers? I do not know; I do not see the necessity of it myself. It might perhaps be good judgment to take that course.
679. Suppose the Council were deciding upon undertaking the thing themselves, how would they raise the money? They will raise the money.
680. How? Easy enough; we have got a better credit than your Government.
681. You mean to insinuate that if you had not the power at the present time you would have to apply to Parliament for a Bill? Yes.
682. Has any step been taken in that direction? No.
683. You think that not even the Gas Company should have the power of destroying the streets? I think that they ought not to be allowed to put down their pipes without paying compensation to the Corporation.
684. Has any step been taken by the Council with a view to directing them in what way they should lay their mains? They have always ignored the Council in matters of this kind. If you make a street this month they rip it up next month. In hundreds of cases they have done so. In putting down new pipes they never consult us at all. Lately, when we were putting down a new wooden roadway, we represented this matter to them, and we got them to lay down their pipes on each side of the street before we laid our blocks down.
685. If there is a provision in this Bill which reserves to the Council the custody of the streets in this respect, would that obviate your objection to the Bill? But who is to pay for that supervision? I am of opinion that the Council ought to have supervision in this matter. I am of opinion also, that the Council should have remuneration for allowing the Company to tear up the streets.
686. You think that a provision of that kind would, to a certain extent, remove your objections to the Bill? Yes; I do not think that there is one individual in connection with the Council who is opposed to the introduction of this system. Every member of the Council believes that it is necessary for the well-being of the people to have this power; but they are also of opinion that they are the proper authorities who should be applied to in the matter.
687. Can you say why the Council have not taken this matter into consideration and suggested what improvements or amendments they desire to be made in the Bill? The matter has only been before the Council, I think, about a fortnight. It is only about two meetings ago, at all events, that it was brought before the Council, and copies of the Bill were supplied.
688. Would you like the Committee to afford an opportunity to the Council of making known their wishes in the matter, so that the Committee may make what recommendations they think necessary to the House? So far as I am individually concerned, I should be most happy if the Committee would do it; but I cannot undertake to get a statement of their wishes, inasmuch as the Council have decided in full meeting that Parliament be petitioned against the passing of the Bill.
689. Suppose that the Committee are willing to delay the consideration of the Bill so that the Council may make known their wishes in the matter, what time would you require? I should say three weeks. It is almost impossible to do things in a hurry in these places, and you might give us a week longer than that.

- M. Chapman, Esq.
6 Mar., 1888.
690. Would you, as an Alderman, wish the Committee to adjourn the consideration of the Bill still further in order to give the Council such an opportunity? I can hardly say that in the absence of the Mayor. I will undertake, if it is possible, to have any alterations which the Council may consider necessary forwarded to the Committee. The Mayor of the city has all power in this matter. I think it is possible that we might be able to make some amicable arrangement with this Company, and have the matter brought to a crisis. I do not see why the applicants for the Bill should not make an arrangement with the Corporation, and have it framed to suit both parties.
691. *Mr. Lees.*] Is there any other company of a non-representative character besides the Gas Company which has a right to the use of the streets? No.
692. It is impossible, as a matter of fact, is it not, to make concrete, or asphalt, or wood paving road as sound and intact as it was before it was broken up? The Gas Company profess to do it; but I think it is impossible.
693. Have the Gas Company ever intimated to the Council a wish to make a concession in the way of providing cheap light for the citizens as a return for the privileges which they enjoy? I am not aware of that, but I am aware that they have been very kind to the Corporation in many instances. At one time they had a contract for supplying the city with light for five years at so much per lamp, and I know that at the end of about two years they lowered the rate, giving us the benefit of a cheaper light during the balance of the contract. I must also say that they are the easiest creditors that we have ever had.
694. Has not the correspondence about the introduction of this water-power and this Bill been before the Council comparatively early in comparison with many matters of importance they have to deal with? Quite so. Some matters are perhaps four or five months before they come before the Council through the pressure of business. I often think that it is due to the incapacity of the officers of the Corporation.
695. How long is it since the gas-pipes and the water-pipes were laid under the foot paths of the main streets? At the commencement of the laying of the wooden blocks, about five or six years ago.
696. That entailed a very considerable expense upon the citizens? Immense expense.
697. If our pavements had to be lifted for the sake of accommodating these power pipes it would cause very considerable expense and annoyance? Yes; not only that, but the flagging would be so knocked about and broken that it would compel the proprietor of a property to flag anew, whereas if the pavement were left alone it would last perhaps for five or six years longer. We have had many instances where the flagging has been taken up in connection with the laying down of the kerbing, &c., where the people have been compelled to flag anew at an expense of about £70 or £80.
698. If under the pathways, in conjunction with the gas and water mains, two other mains were laid for the purpose of this power company, would it not materially affect the solidity of the pathways? I cannot say that a 9-inch main would do that. It would have to be laid inside the other two mains, or else it would have to go outside the kerb, which of course would interfere with the wooden blocks.
699. *Chairman.*] Are the mains laid on both sides of the streets? Yes; water and gas.
700. *Mr. Lees.*] Are you aware whether at the time the new water scheme was being considered the Council, or some of the Aldermen, if not all of them, took a great interest in the proposed Kenny Hill scheme, seeing that we might require a high pressure of water? Yes.
701. It is a proof that the high-pressure system was under consideration for the purpose of lifts and other works? Yes.
702. *Mr. Barbour.*] If people want gas to light their shops with they must disturb the streets? Yes.
703. The disturbance of the streets is incidental to the use of the article? To a certain extent. In getting your gas from the main you take the pipe under the pathway to the building; but in putting down the power-pipe you have to go right along the whole frontages.
704. Is it not incidental to the use of gas and water that the flagging should be disturbed? Slightly.
705. The expense of this work is reckoned to a large extent to the wear and tear of the flagging? I cannot go with you there.
706. There is no shopman who wants gas but must expect his flagging to be torn up? Yes, one flag.
707. And if he wanted power to work a lift it would have to be taken up in the same way? Yes. The power pipes would have to be taken along the frontages, whereas the gas-pipes are already laid.
708. If a person wanted a lift he would have to get the power from the main? Yes.
709. *Mr. Lees.*] Do you know whether any citizens who had good pavements in front of their premises before these pipes were put down have asked for compensation for the damage that was done to their flagging? Scores of citizens have done so.
710. *Mr. Barbour.*] Would not a provision to that effect be a very proper thing for the Council to suggest to the Committee? You may depend you will have it.

John Trevor Jones, Esq., City Engineer, called in, sworn, and examined:—

- J. T. Jones, Esq.
6 Mar., 1888.
711. *Chairman.*] You are engineer for the City of Sydney? Yes.
712. How long have you held that office? Nine years.
713. Were you in any private practice previous to that? For a little time—two years. I was engineer in connection with railways, water supply, and mines, in Victoria, for 24 or 25 years.
714. You had a large experience of the water supply system in Victoria? Yes. As senior draughtsman I designed, under the Engineer-in-Chief, five water supplies, which were brought to a successful issue, namely, the Sandhurst, Castlemaine, Harcourt, Geelong, and Clunes water supplies.
715. Sydney at the present time is supplied by a low-pressure water scheme? It may be called a low-pressure scheme, although perhaps a medium-pressure scheme would be a better term to use. It is 141 feet. The pressure in Melbourne is 300 feet.
716. Sydney is served from two sets of reservoirs? Five. We have just abandoned one, the Lachlan tunnel. The reservoir at Crown-street is 144 feet; that at Paddington, 210 feet; that at Woollahra, 280 feet; that at Petersham, 166 feet; and that at Waverley, 360 feet.
717. The greater part of Sydney is supplied from Crown-street and Petersham? Yes; the city out of the Crown-street reservoir chiefly. Petersham supplies the western suburbs.
718. It comes from the Neapean by gravitation? Yes.
719. The higher levels are replenished from the Crown-street reservoir? Yes, by pumping; with the exception of Petersham, which receives its water direct from Prospect. 720.

720. These higher level reservoirs, namely, Paddington, Woolahra, and Waverley, are kept for the higher portions of Sydney and the suburbs only? Yes. From Paddington we supply a good part of Sydney, and propose to increase that part—North Shore, part of Newtown, Macdonaldtown, and Petersham. These are high levels, and could not be supplied from Crown-street. The lead services in the old parts of Sydney are not calculated to stand a high pressure. J. T. Jones,
Esq.
6 Mar., 1868.
721. Some of your pipes which at present form the reticulation service in connection with the Crown-street reservoir would not bear the pressure (of say) the Woolahra reservoir water? No, I fear not; the joints were badly made, and the iron is very largely corroded.
722. This is in the principal business portion of the city, in George-street and Pitt-street? Yes; the lower levels of those streets.
723. So that if power for extinguishing a fire is required in either Pitt or George-street, it is necessary to use some power, other than the mere head of water there, to reach the higher level? There are portions of Pitt and George-street which can be fairly well supplied out of the Crown-street levels.
724. Take Hoffnung's buildings in Pitt-street, perhaps one of the highest buildings in the city, to what head would the water reach by gravitation? An inch jet would throw about 60 feet above the surface.
725. What is the height of the building? It would not be enough to extinguish a fire in the highest story.
726. It would require some power to get the water up to the top of the building? Yes. The Council design to put the Paddington water into these pipes, and then you could deal with these buildings about the Post Office.
727. It means new mains? No; the present mains fed from new trunk mains. They are authorized to be laid.
728. Even then, there would not be sufficient head of water for the purpose of motive-power? No, nor the quantity.
729. But for fire-extinguishing purposes it might do? I would be very glad of another 100 feet on the top of it.
730. If water-power was available to the city of Sydney at a pressure (of say) 700 lb. to the square inch, do you think it would be of great benefit? I think we want more power than we have now. The water-power, as I understand it, is not intended to be applied direct to fires, but is to be used to propel the city water which is supplied from our mains. They have an ejector, which at the same time draws the water from our mains and imparts to it its own force. I have reported to the Council on that question and highly applauded the idea.
731. You are speaking of the application of this power for fire-extinguishing purposes only? Yes.
732. But, with regard to its application to lifts and other things, do you think it would be of great benefit to the citizens? Yes; I have no doubt about it.
733. Do you think that hydraulic-power is more simple and better than steam for purposes of that kind? I do.
734. I suppose it would be impossible to take steam for any very great length, owing to condensation and evaporation? Condensation would be the strongest objection.
735. It does not apply to water? No. Air has its objection too; at 700 lb. to the square inch, it would be a very dangerous thing.
736. In the event of an accident from the busting of a pipe, there is more danger from steam and air than there would be from water? Yes.
737. For the reason that water being non-compressible a mere leak expends its force? Just so.
738. During your career as city engineer, Sydney has been renewed in many respects? Yes; very nearly renewed.
739. And in the general construction of the buildings? Yes; and the road surface.
740. Property, I suppose, has become more valuable, and that has necessitated the erection of higher buildings? Yes; that practice is obtaining very largely in order to utilize the frontages to the greatest extent, and for that purpose lifts are wanted.
741. To utilize these very high stories, they must of necessity have lifts and other appliances? Yes; I think it is incidental to every very high store to have lifts.
742. A great number of these lifts have been erected, and lifts are coming more into use at the present time? Yes.
743. You are of opinion that if a general system of hydraulic-power were available, it would increase the number of lifts? I certainly think it would be largely availed of.
744. I suppose it might be used for other purposes besides lifts? Oh, yes; for many things. It could be used to drive from sewing machines up to larger machinery. It could be used also for the compression of wool. At the present time in large warehouses where they use hydraulic-power for lifts, they have to have a generating plant of their own; that is the plan they adopt.
745. It means expense and the occupation of space? Yes.
746. That could be averted if they could obtain the power from a general source? Yes.
747. Have you seen the Bill which is before the Committee? I have, in its rough form.
748. When was the proposition of the power company first brought under your notice? It was some time last year. I minuted a letter, but I forget the date of it.
749. What letter? I had a letter from two companies. It appeared to me afterwards, and in minuting the second one, I said, "I have minuted this letter before." It appeared to me so similar that I did not recollect the difference. It appears that there were two letters on the same subject.
750. Did it come direct to you, or through the Mayor? Through the Town Clerk.
751. Some time in December last, or earlier, a letter was forwarded to you through the usual channel for report? Yes.
752. You reported upon it, and you presume that it went back to the Mayor? The month of December is a very awkward one for the Council. As far as I was concerned it went back to the Council.
753. Did you hear anything more of the letter or of the report? Nothing has come to me about it since.
754. It would be during Mr. Riley's mayoralty? Yes.
755. What was the next intimation you had about it? A personal visit from Mr. Parrott, who asked me what had become of it. I told him that I minuted it. I supplemented the minute with another and a more favourable report. It was just about the time the fire took place which brought such odium upon me,

- J. T. Jones, Esq.
6 Mar., 1888.
- me, at Hordern's buildings in Buckingham-street. It was a main, which was put there for a cottage at first. So I determined to countenance a scheme which would help to give us a high level pressure in such cases.
756. The site which was occupied by Hordern's stores was originally occupied by a small cottage, and no notice was given to you of the altered circumstances? No.
757. Consequently there was not a sufficient supply of water to cope with the existing state of things? No. There is an abundant supply of water there now. I always make a point of attending very carefully to citizens' wants in this respect, but I had no knowledge of this building being there at all.
758. This occurrence made you send in a still more favourable report upon the matter? Yes.
759. Because you were under the impression that a low-pressure service could have been operated upon for fire purposes if hydraulic-power had been available in the locality? Quite so.
760. What was the next step you took in this matter? Beyond that, nothing has been done since.
761. No letters or reports have come to you during the present year from the powers that be? I believe not. I do not remember any.
762. Do you find much damage done to the streets by the operations of the Australian Gas Company? They are always ready to effect repairs, I believe; but that is in the City Surveyor's Department. When we are going to make a new street, or in any way to make an old one in a more permanent manner, they renew their mains and duplicate them, placing a main on either side of the street so as to disturb the road as little as possible. The Council do the same with water mains. At the same time it is unavoidable that some disturbance should be going on. Unless the pipes are to be put in a tunnel, I do not see very well how it is to be avoided.
763. What is the size of their largest main? They have a 3-foot main coming in at one end of the city. At Kent-street they have an 18-inch and a 20-inch main, I think.
764. Take George-street and Pitt-street for instance, what is the size of the main? 12-inch mains generally, with 4-inch and 6-inch sub-mains.
765. There is no power under their Act of incorporation to compel them to notify the city authorities of their intention to break up any street? I believe not.
766. There is no power to compel them to keep in repair any street which has been broken up for any length of time from that date? It is a long while since I read their Act. I do not think it contains any such power. We have had no trouble, to my knowledge, with them. The City Surveyor would be able to speak more definitely, as the roads are under his charge.
767. I suppose that if any power should be given to any body to break up the streets for the purpose of laying down pipes, a provision which would insist on their maintaining the roads in good order for three months would be a very great benefit? It would be. When suburban municipalities have complained that the roads have sunk where I have laid a trench, I have never experienced any objection on the part of the Mayor or the Council to authorize me to run over the ground again and repair it.
768. I suppose the Gas Company does not do that? I do not know. We try as much as possible to bank up the surface so that it may shrink to its original state.
769. What would be the size of a main for conveying water-power through the city? Under a foot, I presume. I should think a 10-inch main would convey a power under that enormous pressure. It would always depend upon the amount of patronage they got from the public.
770. Would there be much interference with the traffic in the laying down of these mains? Temporarily, there certainly would.
771. In your opinion it would be much better to lay them under the footpaths than under the roadways? Yes.
772. I suppose breakages occur in lifting and relaying pavements for this purpose? Yes.
773. The ratepayers have to renew the pavements? No; the Water Department. If, in laying a water-main under the footpath, we crack any stone, it is replaced with a new stone, or in some other way the pavement is restored to its original condition.
774. If a provision was embodied in this Bill to make it incumbent upon the part of the Company to do that, you think it would be right and proper? I think it would be absolutely necessary to have some such provision. In my letter I have suggested that the Council should require the pipes to be laid in a tunnel and covered with uniform flagging all the way, so that they could be lifted for repairs at any point.
775. *Mr. Lees.*] Has it ever been read to the Council? It has not been laid before the Council yet. It was made at an inconvenient time of the year.
776. *Chairman.*] As an engineer, do you think that water-power is more likely to come into general use than it has done in the past? I do.
777. Especially if it can be supplied from a general source? Yes; and under power.
778. Are you familiar with any apparatus, such as an injector, for applying water-power to a low-pressure scheme for fire-extinguishing purposes? I have been favoured with a view of drawings for it, and I understand it thoroughly.
779. You can see no mechanical difficulty? No. I was speaking to Mr. Beare on the subject, and he says that it flaws out the jet.
780. He has witnessed some experiment at some time or other? Yes; in London.
781. It was not a success, owing to the spraying of the water? Yes; so I have been told. Since then a German engineer, whom I took some trouble to see, and who had made a study of this subject in Germany, has told me that a jet has been designed—it can be made for any head of pressure—which would not flaw the water any more than was necessary for extinguishing the fire.
782. Is there not a mechanical device for reducing the pressure if needs be—a reduction valve, or something of the kind? —
783. If you have a pressure of 700 lb. at your command, you can apply as little as 20 lb. with this valve? There are such powers—balance-valves, they call them.
784. *Mr. Barbour.*] I think you said that there were two power companies in existence? I said that I received one letter, and that as regards the other letter which came before me, its features appeared so similar to the first one that I minuted it as if it had come from the same company.
785. Do you know whether there are one or two companies? Of my own knowledge, I do not.
786. Have you heard anything more of the other company? Only by way of rumour. Mr. Gardiner, I believe, was the instigator of one company, and the other was promoted by the Melbourne company.
787. Did the first letter come from Mr. Gardiner's company? I think so. 788.

788. *Mr. Lees.*] Was there any great period between the arrival of the two letters? Not a month, I believe. J. T. Jones, Esq.
789. *Mr. Barbour.*] Do you think that the introduction of this system would be beneficial to the city or otherwise? Decidedly beneficial. I see no objection to it; I have examined it. 6 Mar., 1888.
790. Do you know of any objections? No; provided that provision is made, first to conserve the city's rights, and next to see that the pipes are such as not to burst or give way so as to cause inconvenience. The pressure is a very strong one for any form of pipes. All these things the Council will look after beforehand.
791. It would be to the interests of the Company to have everything strong and in good form? I think so.
792. Would this power be better supplied on a large scale or by individuals? Certainly on a large scale.
793. Would it be cheaper, better, and more reliable? Yes. I do not know whether perhaps this objection would lie against it. If anything happened to the pipes a great many people would be deprived of power while the repairs were being made.
794. The Company propose to lay their pipes in such a way that a very small proportion of the consumers would be affected by any accident. In that case there would be no objection to the scheme? Not so much.
795. You think it would be very useful in case of fire? Extremely useful. The force would be such, I believe, as to break down any obstruction in the way of getting at it, such as glass and thin walls. I have seen a jet break down a single brick wall with its force and the help of the fire.
796. In your opinion the force as well as the volume of water would be very useful in this respect? Yes. I think it is much wanted in Sydney.
797. No matter whether it was done by the Council or by the Company the streets would have to be disturbed in order to lay these power-pipes? Yes.
798. Do you think the opening and the closing of the streets should be supervised by an officer of the Council? Yes; it is so provided in this Bill. The clause might be amplified a little.
799. *Mr. Lees.*] Would the pipes in Pitt-street be sufficient if you had another 100 feet of head for the purpose of the Company? In Pitt-street the new pipes would stand another 200 feet. It is the service pipes I doubt more than the mains. There are still some pipes about Hamilton-street and the lower parts of Sydney where the soil has been rather salty which are very frail,—so frail that is it dangerous to touch them with a pick or gad.
800. What number of feet of altitude would you require, in addition to what you already have, to give you a power from these pipes to do what the Company proposes to do? I take it that a pressure of between 80 or 100 lb. to the square inch inside the mains is an excellent provision for fire; it will throw water more than 100 feet. A jet would not reach quite so far owing to the obstruction of the air; it would throw a jet 100 feet high.
801. As to lifts, how would it operate? I would never advise any hydraulic lifts to be dependent upon the city water supply, because it is too precarious. In Melbourne they have a 300-feet pressure, but all the higher levels in Collins-street and such places are actually abandoning the system of using the street pipes for hydraulic lifts, for the reason that the pressure is precarious, owing to the great consumption of water in the lower levels. They are ready to adopt any other method. In some places they abandoned the street pipes as far back as nine years ago in favour of gas lifts.
802. What would the Power Company do in Sydney if they were dependent upon the present water supply? They would get plenty of water, but not under pressure. They would draw their water from the city pipes, I apprehend.
803. Do you not think that the proposed pressure is excessive? I think it would be altogether too great for anything, except for hydraulic lifts. It is proposed by what is called an ejector to drive the water from our mains to a much farther distance than it would go by its own force.
804. What sort of pipe would stand the pressure which they propose to use? Say for a 10-inch main, I fancy nothing less than an inch thick would do. It should be of cast-iron, and be four times the bursting pressure.
805. If it has been said in evidence that our present pipes are equal to the required head would you believe that? Certainly not.
806. You have no apprehension of the salt water coming in contact with the fresh water, if salt water is used? I do not think it comes in contact with the fresh water.
807. Do you think that the scheme would be more in the interests of the citizens if it were carried out by the City Council? Yes.
808. Why? Because whatever Company started the system it would start it with a view to profit. For instance, the city of Manchester bought gas-works at an enormous cost, and managed to wipe out the city's debt, I think. I forget the exact facts at this moment, but they supplied gas at 3s. a thousand and paid off a lot of the city's liabilities. There is no doubt that a power service in Sydney would be a very profitable one. I should say that the Council would make a profit out of it too, or possibly give the convenience to the citizens at a less rate.
809. *Chairman.*] In the case of the Manchester municipality they bought the existing Gas Company out? Yes.
810. They did not go into the gas business themselves? No.
811. Do you not think it would be well for the City Corporation to let other people experiment first, and take the power to buy it at a certain time if they think fit? Perhaps it might be as well.
812. Are not experiments more economically carried out by private companies or by individuals than by corporations? That may be claimed by some.
813. You think that the working of such a principle is so simple that there is no doubt about its success, and, as such, you think without any doubt the City Corporation can take it up? I certainly think so.
814. *Mr. Lees.*] Does the fact that the streets belong to the citizens help you to come to that conclusion? Yes.
815. And that the Corporation could conserve their rights without any difficulty, consult their convenience in every way, and be responsible for all damages? Yes.
816. *Chairman.*] But the Company are responsible under the Bill for all damages? That is equivalent.
817. *Mr. Day.*] Do you think that a private company would make the streets as good as the Council would? Oh, yes, I think they could; I think it would be for the Council to insist upon that.

- J. T. Jones, Esq.
6 Mar., 1888.
- 817½. Do you find that the Gas Company leaves the streets in as good order as the Council? Oh, yes; it is insisted upon, and they do it without much difficulty, I believe.
818. You never find much difficulty with them? I have not the surface of the roads under my charge; I do not remember any difficulty arising in connection with the Gas Company.
819. There is a temporary disfigurement of the road, and it requires a second visit to restore it to its original condition? Yes.
820. *Chairman.*] What is your practice in laying the mains in the suburbs? My practice is to pile up the earth; after the first shower of rain it gradually subsides, and becomes like the rest of the road. If a foreman has made an error of judgment in this respect, we have to visit it again and restore it to its original condition.
821. Three months gives you ample time to notice any defects and repair them? It is quite enough.
822. If the Power Company have to maintain the roads for a certain period it is a pretty good guarantee that it will be done properly? I think that it is a sufficient provision.
823. Do you think it would be better to lay the pipes under the pathway than under the roadway. Yes.
824. It would be least inconvenient to the public, and easier to get at to carry out any repairs? Yes.

TUESDAY, 13 MARCH, 1888.

Present:—

Mr. Barbour, | Mr. Lees.
JACOB GARRARD, ESQ., IN THE CHAIR.

Ernest Broad, Esq., appeared on behalf of the promoters of the Bill.

John Trevor Jones, Esq., recalled, and further examined:—

- J. T. Jones, Esq.
13 Mar., 1888.
825. *Chairman.*] I understand that you are desirous of modifying somewhat the evidence which you have given as to the Bill before this Committee? Yes; it is in reference to the efficiency of power-water to extinguish fires. When I gave my evidence I am afraid I was a little too positive in stating that this could be used freely at a fire; but as I have seen no experiments proving that the power can be retained and conveyed in hoses from the ejector, I would wish to modify that opinion by stating that I will not be responsible for its success, but that I have strong hopes, and am quite ready to believe that a piece of mechanism can be contrived which would enable that to be done. That is all I have to say.
826. *Mr. Lees.*] We are to understand that unless this power is put on a fire direct from its own source it is dangerous to life and limb? No.
827. It is if it is applied direct to a leathern hose? Yes.
828. *Chairman.*] Do you know if the Mayor of Sydney has received any request to attend this meeting of the Committee? No.
829. Do you know if he knows that the Committee was to meet this morning? I do not know.
830. Did he make any statement to you that he intended to attend here this morning? No; he has not spoken to me about the subject since I was here before.
831. *Mr. Barbour.*] As far as you know, has any action been taken by either the Mayor, or the City Council upon this Bill? I am not aware of any action having been taken.
832. Nothing has been communicated to you? No; I do not think any action has been taken.

TUESDAY, 20 MARCH, 1888.

Present:—

Mr. Barbour, | Mr. Day,
Mr. Lees, | Mr. Wall.
JACOB GARRARD, ESQ., IN THE CHAIR.

Ernest Broad, Esq., appeared as Solicitor for the Bill.

Michael Chapman, Esq., M.P., recalled, and further examined:—

- M. Chapman, Esq.
20 Mar., 1888.
833. *Chairman.*] I understand that a meeting of the City Council has been held to consider the proposed hydraulic Bills? Yes.
834. Were the promoters of the Bills present at the meeting? No.
835. Will you kindly inform the Committee what was the result of the meeting? We had two Bills before us for consideration. We suggested amendments in the Bills. The amendments were adopted by the Council, and the City Solicitor was instructed to prepare them in proper form for the approval of the Council.
836. You are speaking of amendments in both Bills? Yes. Bill No. 2 was more in accordance with the wishes of the Council than was Bill No. 1—that is the Bill before this Committee.
837. Who is the City Solicitor? Mr. Merriman.
838. He was present in an official capacity? Yes. Anyone could have been present. I do not remember whether he was asked to give an opinion during the course of the discussion.
839. Do you know as a fact that he is the solicitor for the Bill No. 2? I cannot say he is as a fact. I know that he had something to do with that Bill.
840. Has he made any report to the Council in favour of any Bill—did he, on that occasion, give any evidence in favour of the other Bill? No.
841. And the result of the Council's deliberations has been to refer the two Bills to the City Solicitor, with instructions that he should express their amendments in legal phraseology? Yes.
842. Can you give us any idea of the nature of those amendments? I can hardly remember them all. One of them is that the pipes shall be laid under the lanes and roadways, and not under the streets. Another is that a certain amount shall be set apart for the Corporation, to assist them in purchasing the plant. I think it is so much per cent. on the paid-up capital, but I am not clear on that point

point. The Council were of opinion that long before this eighteen years have elapsed, this power and several other powers will, in consequence of the progress of science, be done away with, in favour of something else, and therefore they thought it would be necessary, if the power were done away with, that the money which had accumulated up to that time should be handed over to them. There were one or two minor amendments with reference to the notice to be given before cutting up the streets. I think that the period was altered from one day to seven days. And instead of one of their officers possibly taking upon himself the duty of giving instructions to that effect it was argued that the decision should rest with the Council or the Mayor.

M. Chapman,
Esq.
20 Mar., 1888.

843. Has not the Mayor always power to instruct an officer as to the duties he shall perform? That is always the understanding; but it does not appear plain enough in this Bill.

844. Would it not be an interference with the prerogative of Mayor to make such a provision? No.

845. You think that a provision that it should be done by the direction of an officer of the Council under the authority of the Mayor would meet the difficulty? Yes.

846. Can you remember any other matters which were touched upon by the Council? There were some minor matters with reference to the time of the notice.

847. Are you aware if the Mayor intends to be here this morning? I am not aware.

848. Then the proposed amendments are—That the mains shall be laid, where possible, in the lanes and by-ways instead of in the main streets; that a percentage on the paid-up capital shall be paid to trustees on behalf of the Council, to enable them to purchase the works, and that, in the event of their not exercising their rights of purchase, it shall go into the general fund of the Corporation? Yes.

849. Would it not cause the Company to charge the consumers more, in order to pay the extra amount? I remember that the same idea was argued with reference to the excise duty on colonial beer. It was argued that the consumer would have to pay the tax, but they have not paid a farthing more for their beer.

850. If the Company are satisfied with (say) a 10 per cent. dividend as long as they have not to pay any bonus or royalty, and a bonus or royalty of $2\frac{1}{2}$ per cent. was put on them, would it not necessitate their having to charge an increased price to the consumers? I think not. I think that a company which can pay 10 per cent. very likely can pay $10\frac{1}{2}$ per cent.

851. Do you think that $2\frac{1}{2}$ per cent. on the paid-up capital is better than a percentage over and above a certain rate which may be paid to the shareholders.—If the Company pays 10 per cent., and they are in a position to pay 15 per cent., would it not be better if everything over 10 per cent. were shared between them and the Corporation? How are you to stop them from placing all over and above 10 per cent. in plant?—you could not get at this Company any more than you can get at the Gas Company in this respect. They would augment their plant with all they got over and above 10 per cent. on the investment. The Council would get nix.

852. The Corporation having an interest in seeing that they got a fair division of all profits over ten per cent., would they not be in a position to see whether they had been worked out of their proper amount? They would have to go to law with the Company. The difficulty is in proving these matters. I think it has been lost sight of altogether—the extra expense which would be entailed on the Corporation in connection with this supervision and so forth.

853. The provision virtually is to pay an officer of the Corporation to supervise the works? You will have to create a department, it strikes me.

854. You have an officer at present who inspects the surface of the roads, &c. For example, plumbers in making their connections either for gas or water have to do the work under the supervision of the Council? Yes. It is rather expensive.

855. Would not that officer be able to supervise the laying of the power-pipes? It will entail extra expense, and require an additional officer.

856. Supposing the Company pay a sum to the Council—the Council themselves to be the employers of the officer—equal to the salary of an inspector for this purpose? It would not suit the Corporation; they would not be sufficiently independent in the matter.

857. The officer, although he would receive his salary indirectly from the Company would be an officer of the Corporation? The Corporation see the necessity of this power being distributed through the city; but they want also to protect themselves and the citizens.

858. As to the Company giving seven days' notice of their intention to cut up any streets, I suppose there would be no objection, in case of an emergency or break-down, to their tackling the work at once? No.

859. It merely refers to ordinary cases of cutting up the streets? Yes. Sometimes people are opposed to the Corporation, and do not study them at all in these matters. The Company might have an obnoxious officer, who might be at loggerheads with an officer of the Corporation.

860. Where cases can be foreseen, you think that seven days' notice should be given before anything is done? Yes.

861. It should not be left to the decision of an officer of the Council, but should be done with the consent of the officer after approval by the Mayor? Yes.

862. *Mr. Barbour.*] It is your opinion that a certain amount should be set aside for the Council in consideration of any extra expense to which they might be put in connection with carrying out this work? Yes.

863. Do you think that the best way to attain that object is by a percentage? That is what the Council decided.

864. Are you not in a position to state what the Council would like to have provided in this matter? I do not remember all the amendments that they decided upon. I have given the substance, as far as I could remember, of the amendments they made in the Bills.

865. Is it their intention to submit their amendments to this Committee after the City Solicitor has put them in proper form, or is there any other intention with regard to them? That I cannot tell you; it was never considered. I presume that this Committee have got the matter in their own hands. I should think that, if the Chairman of the Committee were to write to the City Council for a copy of the amendments, there would not be the slightest objection to sending them to him.

866. As far as you know no steps have been taken by the Council to inform this Committee of their desire with reference to this Bill? I am not aware that any communication has been made to the Council from this Committee. As an Alderman I was summoned here, and I understand that the Mayor was also summoned.

- M. Chapman, Esq.
20 Mar., 1888.
867. Do you know whether the Council have taken any steps to communicate their desire to the Committee? I cannot say yet, because the amendments are not yet prepared. I have no doubt that after they have been submitted to the Council they will be forwarded to this Committee.
868. *Chairman.*] Is there any reasonable expectation of that being done in view of the silence of the chief member of the Council with regard to our request? I assure you that all letters addressed to the Mayor and Aldermen which have been laid before the Council have been attended to with all respect.
869. *Mr. Barbour.*] Would you state your own idea as to what is meant by the percentage which you want to be provided for the Corporation? $2\frac{1}{2}$ per cent. on the capital of the Company.
870. Would it be an annual percentage? Yes.
871. Have you made up what the amount will come to? No; I know that it will cost the Corporation $2\frac{1}{2}$ per cent., and sometimes more to supervise any works in the city.
872. Has any estimate been made of the amount which the Council expect to receive from the Company? I do not know what their capital is.
873. If they do not know what the expense will be, they cannot have any idea as to whether $2\frac{1}{2}$ per cent. will or will not defray the cost of supervision? I do not know that they have any idea of that.
874. At what time hence do you think the Council should be allowed to purchase the property? I think it was eighteen years. After thirty years it is to be handed over to the Corporation without their paying for it.
875. *Chairman.*] The pipes at the end of eighteen years are to become the property of the Council, and the plant is to be purchasable in the usual manner at that time? That I am not quite clear about. I feel convinced, in my own mind, that this power will be done away with long before that time, and that you will have a different power altogether in existence then.
876. *Mr. Barbour.*] You think it is no good reserving that right to the Council? Yes, I do; my opinion is that if at that time it is not required the money shall be handed over to the Council, not for the purpose of purchasing the plant, but for their own use.
877. *Mr. Wall.*] You think that the Company would invest their surplus profits in additions to their plant? I said that it was possible for them to do so if they felt inclined.
878. Are the gas-works in the hands of the Council? Oh, no.
879. What percentage do they receive from the Gas Company for supervising similar matters? Not a halfpenny.
880. Do you think the gas-pipes entail the same expense for supervision as would the hydraulic-pipes? Not to the Corporation; we have nothing to do with it.
881. Could not the power-pipes be laid in the street with a similar amount of supervision? The carrying out of the gas-works has been a bone of contention to the Council for many years. No matter how careful you may be, and the Gas Company have been very careful in this respect, you cannot make a street anything like it was before it was cut up.
882. The evidence goes to show that the interference with the streets would not be so great in the case of the power-pipes as it is in connection with the gas-pipes? I am of opinion that it would be quite as great.
883. *Mr. Barbour.*] But the pipes being smaller there would be less interference? I think I said on the first occasion that I knew nothing whatever as to the size of the pipes.
884. *Mr. Wall.*] Would not a similar provision as to interference with the streets be approved of by the Council? No; because we consider that the Gas Company ought not to have had such powers given to them.
885. Has the Corporation made any estimate of the cost of supervising the laying of the gas-pipes? We have never had to supervise them. Three or four months after they have laid their pipes we have to go round and make the streets.
886. If there were no greater inconvenience with reference to the power-pipes than there is in connection with the gas-pipes there would necessarily be no greater supervision? We should have to make the streets all good. The supervision is to prevent our having to make the streets good.
887. Provided that the Power Company have to maintain the streets for a certain time in the same state in which they found them, the supervision would be no greater in connection with that company than it is in connection with the Gas Company? I do not suppose it would be any greater than is necessary, but the gas-works are not carried out to the satisfaction of the Corporation or of the public.
888. Is there any arrangement with the Gas Company with regard to keeping the streets in repair? They are supposed to keep the streets good; they do the best they can under the circumstances. They are very careful in this respect, but nevertheless it is a cause of great dissatisfaction.
889. I suppose that, in the event of a second hydraulic-power company starting operations in the city, the Council would make the same demand as they are making upon this Company? Yes.
890. *Mr. Lees.*] In short, your opinion is that the way in which the Corporation has been treated by the Gas Company is one reason why the Council are taking the precaution to protect themselves in this matter? Yes.
891. *Chairman.*] If the Bill were amended to meet the several points you have raised, you think it would remove some of the objections of the Council? Yes, to any Bill of the kind.
892. You have stated that any correspondence which has been sent to the Mayor and Aldermen of Sydney has been placed before the Aldermen? It ought to have been placed before the Aldermen.
893. If the Mayor is addressed, as the head of the Council, is he not the judge as to whether the matter is of sufficient importance to be dealt with by himself or by the Council? I should think not. An important matter like this Bill is a matter which, I think, ought to have been laid before the Council.
894. But there is nothing to prevent him laying any correspondence which may be addressed to him, as the head of the Council, before the Council? Oh, dear no.
895. It has often been done? Hundreds of times. Many people in writing to the Council write to the Mayor. They do not know whether they have to mention the Aldermen in order to have their communication brought before the Council.
896. On the 20th February I addressed the following letter to the Mayor:—

The Right Worshipful the Mayor of Sydney, John Harris, Esq.

Sir,

Sydney, February 20th, 1888.

As the Chairman of the Select Committee on the Sydney Water-power Bill now before the Assembly, I shall be glad if you will kindly forward me the names of any gentlemen you may desire should be examined before the Committee on behalf of the Corporation; and if you think it desirable to be represented by counsel at the Committee I shall be happy to present your Petition to the House for same. I may inform you that Alderman S. Lees, M.P., is a member of the Committee, and I should gladly have had other Aldermen who are members of the House, but they were not available when the House appointed the Committee.

I am, &c.,

J. GARRARD.

Do

Do you think that a letter couched in those terms is a letter which ought to be laid before the Council? I know that if I were mayor, or acting mayor, I should do so.

897. You have been mayor several times? Yes, and acting mayor several times.

898. If a similar communication had been addressed to you in either capacity you would have had no hesitation in placing it before the Council? I should have considered it my duty to do so.

899. *Mr. Barbour.*] As an Alderman of Sydney, have you any suggestions which you would like to make for the benefit of this Committee? I would suggest that the Committee, if they see their way clear, take up the amendments which the Council have decided upon, and of which I have given an outline.

900. As prepared by the City Solicitor? As ordered to be prepared by him. There is no doubt that we want such a power in this city. I do not suppose that the Corporation care whose Bill it is, provided that they get adopted the provisions which they require for their own security.

901. How can the Committee get a copy of these suggestions? They might ask for them.

902. You think that if the Committee were to apply to the Mayor he would furnish a copy of them? I think that the Committee might apply to the Mayor and Aldermen. If you apply to the Mayor for a copy of them he may say no, but if you apply to the Mayor and Aldermen it will be for them to decide. I see no reason why a copy of them should not be sent to the Committee.

903. If we have applied to the Mayor repeatedly to afford information to the Committee, and he has ignored our request, is there any reason to expect that he will not treat us in a similar way? I am not aware.

M. Chapman,
Esq.

20 Mar., 1888.

Jacob Garrard, Esq., M.P., sworn and examined:—

904. *Mr. Barbour.*] As Chairman of this Committee, I understand you have addressed several communications to the Mayor requesting his attendance here? I have.

905. Will you give an account of the different communications? On the 20th February, I wrote this letter to the Mayor:—

J. Garrard,
Esq., M.P.

20 Mar., 1888.

The Right Worshipful the Mayor of Sydney, John Harris, Esq.

Sir,

As the Chairman of the Select Committee on the Sydney Water-power Bill now before the Assembly, I shall be glad if you will kindly forward me the names of any gentlemen you may desire should be examined before the Committee on behalf of the Corporation, and if you think it desirable to be represented by counsel at the Committee, I shall be happy to present your Petition to the House for same. I may inform you that Alderman S. Lees, M.P., is a member of the Committee, and I should gladly have had other Aldermen who are members of the House, but they were not available when the House appointed the Committee.

Sydney, 20 February, 1888.

I am, &c.,

J. GARRARD.

I received a formal reply, dated 22nd February, stating that the letter would receive consideration. On the 1st March, at the request of the Committee, I addressed this letter to the Mayor:—

His Worship the Mayor of Sydney, John Harris, Esq.

Dear Sir,

I have the honor to remind you that I have not yet received a reply to my note of the 20th February, except the usual formal intimation that it would receive consideration.

Sydney, 1 March, 1888.

I am now requested by the members of the Committee to inform you that they have completed the taking of evidence in connection with the Bill, and will (unless your Council desire to offer additional evidence) proceed on Tuesday next, at 10 45 a.m., to consider the Bill in detail.

I am, &c.,

J. GARRARD,

Chairman of Select Committee on Sydney Hydraulic-power Company's Bill.

On the 3rd March, having received no reply to that letter, I instructed the Clerk of the Committee to summon the Mayor as a witness. Later in the day I received the usual formal acknowledgment of the receipt of my previous letter. It merely said that the Hydraulic-power Company's Bill before the Committee would receive consideration as soon as possible. On Tuesday, the 6th March—the day for which the Mayor was summoned—he did not appear, but Mr. Alderman Chapman and Mr. Trevor Jones, the City Engineer, presented themselves in answer to the summons, and were examined.

908. *Mr. Day.*] By direction of the Mayor? No. Mr. Jones gave us to understand that the Mayor had consented to his coming. On that date, at the request of the Committee, I forwarded this letter to the Mayor.

His Worship the Mayor of Sydney, John Harris, Esq.

Dear Sir,

Referring to my former letters of February 20th, 1888, and March 1st, 1888, I am requested by the members of the Select Committee to express their regret that no reply (except the formal acknowledgment of the receipt) has been vouchsafed, or the names of witnesses submitted, as requested in the above letters; and further, that you have been unable, owing, we presume, to other important duties, to meet the Committee to-day, and give us the benefit of your views on the provisions of the Bill.

Sydney, March 6, 1888.

I have now the honor to inform you that, with a view of meeting your convenience, the Committee have decided to adjourn their meeting until Tuesday next, March 13th, at 1 45 p.m., when we shall be prepared to examine any witnesses whose names in the interval you may submit to me. Failing any additional evidence, the Committee on Tuesday will proceed with the clauses of the Bill.

I remain, &c.,

J. GARRARD,

Chairman of Select Committee on the Sydney Hydraulic-power Company's Bill.

On the 7th March I received the following reply from the Town Clerk:—

Sir,

With reference to your letter of the 6th instant, I have the honor, by direction of the Right Worshipful the Mayor, to request that you will be good enough to embody the propositions contained in same in an official letter to the Council, letting me have the same in time to submit it to the Council on Friday next at 12 a.m.

I have, &c.,

HENRY J. DANIELS,

Town Clerk.

J. Garrard, Esq., M.L.A., Parliament House.

To which I replied on the following morning as follows:—

Sir,

Owing to absence from town your favour *re* Hydraulic-power Bill did not reach my hands until yesterday evening. In reply to same I have to say I have no proposals to make. The Committee are awaiting propositions from the Council.

Sydney, 9 March, 1888.

I am, &c.,

J. GARRARD.

To J. Daniels, Esq., Town Clerk, Sydney.

- J. Garrard, Esq., M.P.
20 Mar., 1888.
907. Did you get any reply to that letter? No; no answer has yet been received. I may explain with regard to the meeting for Tuesday, the 13th March, that the hour was shifted, to suit the convenience of the Mayor, from 10 a.m. to 1:45 p.m., but afterwards, learning that the earlier hour would be more convenient for his Worship, the meeting was called for that hour.
908. *Mr. Barbour.*] Did you communicate any further with the Mayor? That is the last communication I have had with him. The Mayor was summoned to attend the Committee meeting to-day.
909. Has he responded to the summons? No.
910. On any occasion has he responded either by letter or by any other means? No.
911. *Mr. Lees.*] On what date was a copy of the Bill before the Committee sent to the Corporation? On the 16th February, at the request of the Committee, copies of the Bill were sent to the Town Hall for the Mayor and Aldermen.
912. How long was it after the inception of the matter in Parliament? The petition for the Bill was presented to Parliament on the 8th February, and the Committee was appointed on the 10th.
913. There was no correspondence with the Corporation, either through the Mayor or in any other way, prior to that date? I cannot say that; I am only speaking as to my action as the Chairman of this Committee.
914. *Mr. Barbour.*] Have you any statement to make? No; I have given an account of all that I have done at the request of the Committee.
915. Do you think you have taken every step possible to get the Town Council to express their opinions upon this Bill? Most assuredly. I do not think that any Select Committee has ever gone to the trouble to obtain evidence which this Committee has gone to.
916. No response whatever has been made to the applications of the Committee by the Mayor? No; except the last letter from the Town Clerk, in which I am asked to make proposals.

William Gardiner, Esq., recalled, and further examined:—

- W. Gardiner, Esq.
20 Mar., 1888.
917. *Chairman.*] I think you have already given a statement of the proceedings of the promoters of this Bill so far as they are connected with the City Council? I have.
918. You made attempts for months prior to the introduction of this Bill to obtain an audience with the Mayor to discuss the proposition? I did.
919. Since you gave your evidence have you, on behalf of the promoters, had any interviews with the Mayor? We have.
920. When? We wrote, requesting an interview, and about a fortnight ago we had an interview with the Corporation. I think we have been treated most scurvily by the Council. I have never received such treatment from any public body in my life. I have been told that we have been characterised in the Council as a set of adventurers.
921. What was the result of your interview? We got an intimation that the Council would probably see us. We waited for more than an hour, and we were told then that the Council would probably not see us. Mr. Alderman Chapman brought out the Mayor and introduced him to us. Mr. Chapman suggested that the Mayor had better invite us to luncheon, which he did. I sat next to Mr. Chapman, and Mr. Wynne sat next to the Mayor. We spoke a good deal about hydraulic matters, and it was decided that after the luncheon was over I was to address the Council for a quarter of an hour on the merits of the Bill. I did so, and I requested the Council to ask me questions. They asked me a number of questions, and it was understood that the Mayor would have a special meeting called for the following Thursday so that we might discuss the merits of the two Bills. We went there on that date, and after waiting for nearly an hour we were told that we should not be required. We heard at the same time that the gentleman who represented the rival Bill was in attendance in one of the rooms; we did not see him.
922. Have you received any communication from the Council as to their decision or their views with regard to your Bill? Personally I cannot say. Messrs. Parrott and Cameron are acting as secretaries to the Bill.
923. Who are the promoters of the other Bill before the City Council? Messrs. Coates & Company, a firm in London, I believe; I do not know anything about them. Three months ago they came under my notice. We—that is, Gardiner & Company—received a letter from Waygood & Company, of Melbourne, enclosing a telegram saying, as far as I can recollect, “Coates & Company not to oppose Gardiner’s hydraulic scheme in Sydney.” I did not know what it meant, and sent it on to the secretaries. We gradually found out that Coates & Company were in the field here. It somewhat accelerated our movements. We had known nothing at all about them until then.
924. Coates & Company are hydraulic engineers, and have erected a plant in Melbourne? They have undertaken to do it in Melbourne.
925. *Mr. Barbour.*] Have they got the Bill through the Victorian Parliament? I believe they have. We did not know that they had a Bill before the Council here. This matter of ours has been off and on for the last ten years. One or two gentlemen have been connected with the matter for that period, and for two years this Company has been in negotiation. At the end of 1886, Mr. Parrott came Home about it. He brought a note of introduction to me, and we went into the matter very fully in London.
926. Has any correspondence taken place between Coates & Company and your company? Yes; I have a copy of the correspondence with me.
927. Do you desire that it shall appear as an appendix to your evidence? Yes. I hand in a copy of it. (*Appendix A.*) Coates and Company told us very distinctly that unless we did certain things, which they did not exactly describe, they would bring certain power, which they said they had in the Council as well as in the Parliament, to bear against our Bill.
928. *Mr. Lees.*] Will you read the letter in which they say that? I do not know whether it appears in the correspondence, but Mr. Swinburn told me distinctly that he has power in the Council and in Parliament, and would use it if we did not admit them to the syndicate.
929. *Chairman.*] Apart from the correspondence, you say that Mr. Swinburn used such and such threats or expressions to you? Exactly. Mr. Swinburn saw me at our office. He said, “Cannot we be admitted to the Company?” I said, “If you have any proposal to make you had better submit it to Parrott and Cameron, who have the matter in hand.” He said, “Oh, you are the Chairman of the Company.” I said, “I am only an individual, I cannot say anything. If you make any proposal it will be brought before”

before the Board in due form; I cannot say anything at all." He informed me that they had power here, and that they should use it to defeat our Bill. This correspondence took place before I saw Mr. Swinburn. He left me under the impression that he was going to make some proposal to the Board, but we have never heard a word from him.

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930. Do you know whether Coates & Company are colonists in Victoria, or whether they are merely there to carry out an installation scheme? I really do not know. I believe that Mr. Swinburn is a resident there. I am told that he is a nephew of Mr. Coates.

931. Who are Coates & Company? I believe they are engineers. Their head quarters, I understand, are in England. I know nothing whatever about them.

932. *Mr. Lees.*] In saying that Mr. Swinburn said that he would use all his influence against your Bill, do you mean to state that it was an improper expression for him to use? I think he is at liberty to use whatever expression he chooses. He used the expression with the motive of getting Coates & Company admitted to the syndicate, and I understood that he was going to make some proposal to the Board. The other day, when we were turned away from the Town Hall, he was in one of the rooms, waiting for an interview with the Corporation.

933. *Chairman.*] You think this expression was only an expression which one man in business would use to another to gain his end? That is all; I did not take much notice of it.

934. Your Company are prepared to have inserted in the Bill a proposal to pay $2\frac{1}{2}$ per cent. on the capital to the City Corporation as a fund wherewith to purchase the plant at the end of the term? No; it would be a very foolish thing to do in that form. Our capital was proposed to be £100,000. We should have to pay £2,500 a year to the Corporation, whether we were earning anything or not. If we had to pay that amount, it would be an extra tax upon the citizens—it would be a municipal tax, as I understood the Council the other day. It would be a good deal like the railway tax at Home. It would become a very unpopular tax. By means of this Company, if it comes, taxation will be very much greater throughout the city than it is now. All the buildings will have to be very much higher than they are at present—instead of two or three stories, buildings would be erected half a dozen or ten stories high. The taxation would be half as much again. If you have lifts, it does not matter how high you go with a building. I think the Corporation would be large gainers by this Company. As to paying the $2\frac{1}{2}$ per cent. tax, it is an absurd thing—no Company could stand it.

935. Will you suggest any alternative proposal by which the Corporation will have any direct benefit accruing to them? When a fair and reasonable dividend is paid to the shareholders, the Corporation might very well then come in.

936. And share in the overplus with the Company? Yes; they seemed to fall in with such a proposal the other day. Mr. Chapman suggested after 10 per cent., so as to get rid of the objectionable municipal tax. It struck us as not at all unreasonable.

937. Your Company would be prepared to embody in the Bill a provision to that effect? Quite willing. It is quite possible for the Corporation to tax any new modern improvement, and make it almost unworkable. Suppose they were to tax the telegraphs, gas, and railways, and a host of other things, enterprise would be stopped at once, and no beneficial results would follow to the city.

938. *Mr. Wall.*] What power would the Corporation have to prevent the Company from investing their profits over and above 10 per cent. in machinery? They would be bound to invest their money in some machinery to carry the power where it was wanted. Suppose you had half a dozen new streets in Sydney, people would complain very much if you did not carry the pipes to them. In a company of this sort, like gas, you cannot make any profit until you have a certain number of consumers. It would be very hard upon the shareholders if they had to go for three or four years without a dividend, and, at the same time, had to pay a tax of £2,500 a year to the Council.

939. Provided that the returns were 10 per cent. from the beginning, or even at any period, could you not effect these extensions out of the profits above 10 per cent? No; I do not think they would. You know what money is worth here.

240. The objection of the Corporation is that after the profits have exceeded 10 per cent. they have no power to prevent the Company from investing the surplus in machinery; could not some arrangement be made with the Council to provide for the erection of future machinery? Yes, I suppose it could; we went up to the Town Hall the other day to discuss these things. We understood that the Mayor wanted us to be there.

241. The objection of the Corporation is that in the event of the profits exceeding 10 per cent. the surplus will be invested in machinery? I do not think so. We should only invest according to what is wanted. If new plant has to be laid down in new streets we cannot do that without money.

942. *Mr. Day.*] Would you use the 10 per cent. for that, or would you use the surplus? It would come out of the 10 per cent. We could not pay the Council anything until we had paid 10 per cent.

943. Supposing you earned $1\frac{1}{4}$ per cent. would you use 4 per cent. to extend your works, excluding the Council from any share in the profits? I really do not know. You have asked a question which I have not considered. It is rather a ticklish one. We have not considered the matter, and it is one that requires consideration. I think you had better not ask me for a final decision. In all these things we have been most desirous, in fact most solicitous, to get a conference with the Council. We have wanted all along to work with the Council.

944. *Mr. Barbour.*] Does your Board consider it a fair thing for the Corporation to ask that a provision be put in the Bill to compensate them in some way for the inconveniences and losses that will be caused through interference with the streets? Personally, I do not think it at all a fair thing. It is not done in London; it is not done in other large towns. In London, in Hull, in Liverpool, the company has to put the streets in order, and keep them in order to the satisfaction of the city surveyor or the city engineer. We undertake to do the same thing, and really if the Corporation of this or any other town chooses to set its back up in this way it stops all modern improvements entirely. Who will run the risk and put a large amount of capital into these things if the Corporation is to get the whole benefit?

945. *Mr. Lees.*] Is it not so in Melbourne? It is so, and it is a most irregular proceeding. I have not heard of it before anywhere.

946. Do you know we have a Bill before the Council which contains this irregular provision? Yes. If you get $2\frac{1}{2}$ per cent. on £100,000 the Company has to pay £2,500 a year from the start.

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947. *Mr. Wall.*] Do you know whether Coates & Company are manufacturers of hydraulic machinery? I really do not know whether they are manufacturers or not. I do not know anything about them. I believe they are highly respectable people.
948. *Mr. Barbour.*] What is the provision in the Victorian Act? I think they have to pay $2\frac{1}{2}$ per cent. on their capital.
949. What is your objection to that provision? It would be utter ruin to the Company to have to pay $2\frac{1}{2}$ per cent. on its capital. If you have to pay £2,500 a year, you are paying a royalty, and you are earning nothing at all.
950. What is the capital of the company in Melbourne? £100,000. I think they called up £48,000. Messrs. Coates & Company got 27,000 shares paid up to ten shillings promoters fees, and 25,000 shares at par not paid up; 48,000 shares were put on the market.
951. *Mr. Day.*] Have you ever considered whether the City Council is intitled to share in the profits of the undertaking? I have. I told the Mayor the other day I thought it wrong that they should. I told him it would become an unpopular tax by and by.
952. For what purpose do they want this $2\frac{1}{2}$ per cent.? I do not know; I suppose it is to increase their revenue.
953. You are aware that the City Council has to keep the roads in repair? Yes; but these roads, if they are taken up, will be relaid in the same condition as they were in before by the Company.
954. *Chairman.*] And maintained for three months? Yes.
955. *Mr. Day.*] The evidence of the engineers is to this effect, that although these companies repair the roads the bonds of the roads are broken, and the Corporation have to lay out a large amount of money to keep them in repair? They have to be torn up for laying gas-pipes. It always will be so until you have subways through which all pipes might go. They have them in some of the streets in London.
956. Suppose the pipes were laid underneath the footpath, the traffic would not break away the footpaths, the same as the carts would break away the roads if they were laid underneath the roads? I think not. We propose to lay the pipes under the pavement inside the kerb.
957. *Mr. Barbour.*] I understand that your Company will not be disposed to pay two and a half of its capital? Certainly not.
958. Do you think it will be prepared to meet the Council in any way? In any reasonable way.
959. What is your opinion in that respect? I think that after 10 per cent. is a reasonable thing.
960. You would be prepared to share all profits with them beyond 10 per cent.? Yes.
961. *Mr. Lees.*] It would prevent you from having a reserve fund? We cannot help that, if the Council insists upon the matter.
962. *Mr. Day.*] In reality you think that a payment of $2\frac{1}{2}$ per cent. would be a tax upon the people? I do. It must of necessity come out of the pockets of the people.
963. *Mr. Barbour.*] Would not any excess beyond 10 per cent. come out of the people's pockets? Yes. We should have to charge more for the water to cover this extra expense. We should have to charge a shilling a 1,000 gallons more. All these things are bound to come out of the consumers' pockets.
964. *Mr. Lees.*] Have you fixed the price per 1,000 gallons? We are thinking of charging a maximum of 12s. 6d. a 1,000 gallons. The minimum might be a great deal less than that.
965. Do you know that it is less in Victoria, notwithstanding that a payment of $2\frac{1}{2}$ per cent. to the Corporation is provided for? It could be done for a good deal less. In London it is done for 2s. 6d. a 1,000, where they have large consumers. In Victoria they get their water for nothing; but here the water would have to be paid for.
966. Had you anything to do with the drafting of this Bill? Simply with regard to amendments. The Bill was submitted to the Board, we discussed it, and made the amendments which we thought necessary. The original Melbourne Bill does not contain one word about the payment of this $2\frac{1}{2}$ per cent. or anything else to the Corporation.
967. How do you know that? We can show a copy of the Bill where not a word is said about this matter, showing that it was put in at the instigation of the Corporation. It is an unwise decision.
968. Why is the local authority ignored in some cases in this Bill when it is recognized in the Victorian Act? A great many things were inserted in the Melbourne Bill at the wish of the Council. They do not appear in the original Bill.
969. Why are not the local authorities provided for in your Bill? Partly because they have ignored us entirely and have not given us a chance to consult their wishes. We expected that they would have sent for us and stated what they wanted, but they have ignored us altogether.
970. *Chairman.*] Do you know if the provisions of your Bill were decided upon before the Victorian Bill was finally passed? I do not think they were. The thing has been under discussion for two years; but when this Bill was drafted I cannot quite tell you. My own impression is that it was towards the end of last year.
971. Do you know when the Victorian Act was passed? I think it was some time last year. We have several Acts of this kind. We have the Hull Act, the London Act, and the Victorian Act.
972. *Mr. Lees.*] You have stated that you left the Town Hall with the understanding that you were to be received there on the following meeting day by the Mayor. From whom did you get that understanding? From the Mayor. I understood somebody to say, and so did my friends, that there would be a special meeting of the Council on the following Thursday, and that if we would attend we should be examined, and could go into the merits of the Bill.
973. Was it stated from the chair? I understood it was.
974. You do not think that the Mayor meant that the public were always admitted to the Council, and that you would be welcome on that occasion? He may have meant that, but I did not understand it in that way. Our object was to discuss the merits of the Bill with the Council.
975. You attended at the Town Hall on the day? Yes. We were told, after waiting an hour, that we were not wanted.
976. You said that, although you were not wanted, the representative of the other Bill was waiting for an audience with the Mayor? We were told that Mr. Swinburn was waiting in the Mayor's room.
977. You did not refer to anyone inside the chamber? No; I only referred to Mr. Swinburn waiting in the Mayor's room.
978. Did you hear it said that you were a set of adventurers? I have been told by an Alderman that we were so described in the Council.

979. Has it been published in the newspapers? No. I have also heard that an Alderman protested against the use of the expression, and pointed out that several of the promoters were men who had been connected with the town for a great many years.
980. You, as chairman of this Company, decidedly protest against the principle of paying $2\frac{1}{2}$ per cent. on your proposed capital to the Corporation? As a first payment, we do.
981. Have you not a prospective value with regard to this enterprise? Possibly we may. After 10 per cent. the Corporation would get it, but in the other way they would take the first $2\frac{1}{2}$ per cent.
982. Do all enterprises pay at the start? No. That is the reason why it is hard on the part of the public body to grab all that is earned.
983. What guarantee has the Corporation that they will ever be recouped for their trouble? They must take their chance. What do they get from telegraphs, water-pipes, gas-pipes, and a host of other things?
984. Do you think that the Corporation will get an advantage other than a direct one from the operations of this Company? I think that they will get enormously increased rates. I think that if this power comes into use property will increase in value at least one-half. We have only a certain space between the waters to use, and the demand upon that space is growing every day.
985. What was the ratable value of the buildings which were superseded by your present warehouse? I do not know; but it must be very much larger now than it was before.
986. You have been enabled to erect a building of that description because you have at your command a certain power? Certainly. We have half a dozen lifts. It simply is a beautiful power. If the Committee were to pay a visit to the buildings they would see how efficiently it does its work.
987. *Mr. Lees.*] Do you propose to float this syndicate into a company as soon as the plant is erected? A public local company. If ever there was a *bonâ fide* venture in this world this is one. The promoters get simply 5 per cent. Coates & Company got £13,500 out of a capital of £48,000; but out of a capital of £100,000 we take 5 per cent. as the promoters.
988. *Mr. Day.*] Do you mean to say that you will pay all the expense of floating the Company and putting the works into proper working order, and take only 5 per cent. for your trouble? We do. Some of my co-directors say it is a very small reward. I tell you that a more *bonâ fide* thing has never been before the town.
989. *Mr. Lees.*] You ask for a power to assign. Am I to understand that the responsibility which is placed upon the promoters by this Bill will be transferred to any one else? We do not contemplate anything of the kind. We take what is usual in connection with these Bills. The Board has never thought over this matter.
990. Supposing the promoters were under a bond to the Corporation and eventually floated the business into a company and sold their interest right out, how would the bond stand? I do not know. This is a local public company, but the other company is not.
991. *Chairman.*] Under this Bill, I think, the power of purchase cannot be exercised until after twenty years? Exactly.
992. And the power of purchase, if not exercised within six months of that time, will not become exercisable until the end of another ten years? That is so.
993. Do you think it is desirable to shorten the time to eighteen years, and to renew the power of purchase every three years? If it were renewed every three years you at once tax the enterprise. Improvements would not be made. The Company would say, "We cannot spend all this money if the thing is likely to fall in in three years time."
994. It is based upon the valuation at the time of purchase? I do not know that it would be a difficulty. If the Council or the Committee want it, I do not think we should object to it. I think that a longer time is better.
995. You have had a long mercantile experience? Yes, all my life.
996. With regard to a power of this kind, has there been much alteration within the last twenty years; has any new power come into operation? There are only two powers, low-pressure and high-pressure. We propose a high-pressure. High-pressure has come to the fore in England very much of late years. Americans have developed low-pressure to a very high pitch. I may state that even these Otis lifts can take high-pressure power. In fact the Otis power are favourable to our Bill.

William Thomas Poole, Esq., called in, sworn, and examined:—

997. *Chairman.*] You are one of the promoters of this Bill? I am.
998. You have had a large experience in matters of public works and power generally during your career? I have had a very general experience.
999. You have undertaken some of the largest Government works of this Colony? I have.
1000. And you have made a special study of water-power generally? I have examined that question closely.
1001. I suppose the present water scheme of Sydney is not sufficiently powerful for lift purposes in the city? No; unless with an enormous expenditure of water.
1002. You took a great deal of interest in what was known as the Kenny Hill scheme? Yes; I was known as one of the leading spirits in that matter.
1003. Have you seen any reason to alter your opinion? Not the slightest. I thought then that it would be an enormous advantage to this city to give it a comparatively high level, and therefore a comparatively high-pressure water supply, in contradistinction to the supply it now has. It follows almost as a natural sequence for me to take an interest in this hydraulic-power scheme.
1004. You think that if this power was available it would be largely used. I feel convinced that it will be much used if it can be supplied at a rate that will enable it successfully to compete with steam or gas.
1005. Water has much in its favour as compared with steam for the distribution of power? Unmistakably it has. It is more easily controlled, and less liable to accidents, or to be the cause of accidents of a serious nature.
1006. What is your opinion as to the portion of the profits of this power company to be paid over to the Corporation as a guarantee fund, or as a fund wherewith they can purchase the property at the end of a certain time? The whole thing comes to this: Is this proposal, if carried into legislative effect and then into practical operation, likely to benefit the citizens as a whole? If so, as I pointed out in my previous answer,

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answer, it will be simply because this power is supplied to them at a cheaper rate than some other corresponding amount of power. Well, if the Corporation have a municipal tax upon the citizens in the shape of a percentage, either upon the capital or upon the profits, and it is an advantage to the citizens individually, and therefore an advantage to them in their corporate capacity, well and good. All I have to say is this: if any undertaking of this kind is to be handicapped by such charges—which are not necessary for its working—then it is so much against the consumers. In point of fact, in this, as in every other case, the consumer has to pay. It would be simply in the form of a municipal tax. If it is absolutely necessary that the Corporation should receive a percentage on the profits of a commercial undertaking, and if that percentage is reasonably low, to cover any fanciful damages we may do to their streets, I do not object to it, as one of the promoters.

1007. Which would meet with your approval in that respect—a percentage on the profits over a given amount, or a percentage on the capital invested? I should certainly think a percentage on the profits; because a percentage on the capital, whether the thing pays or not, is a ruinous affair altogether. It would be simply, in a few years, handing over the whole of the works to the Corporation. Two and a half per cent. on the registered capital of the Company, that is £100,000, if it was all subscribed, would be £2,500 per annum. Considering that this new power will have to force its way into public favour against power already in existence—steam, gas, and hydro-pneumatic-power—it can only be done by its being supplied to the consumer at a low rate. How can they do this, when they have to pay £2,500 a year for the mere privilege of laying their pipes through the streets, and for which the Corporation return no equivalent whatever?

1008. I suppose that, independent of this matter, a large benefit will accrue to the Council from the increased rates that will be derived from the erection of higher buildings if this power is available? Unmistakably that must be the case if this power comes into general use. Of course, it will only do that because it is cheaper, and will supersede other powers. In the commercial and industrial part of the city it will cause three or four or five story buildings to be increased to ten or twelve story buildings. So it must increase the value of the frontages; and in this way the Corporation will derive—and, to my mind, that is their legitimate profit—a large increased rate-roll.

1009. Do you think it is likely that, in consequence of the advance of science, any other power will come into general use—(say) within the next twenty years—which will make this power obsolete? That is a difficult question to answer. Electricity is in its infancy yet, and we hardly know where science will take that matter to. I do not apprehend that within the next twenty years it will be a formidable competitor with hydraulic-power. Then comes the question of gas. We know what it is. We also know what steam does. We know the combinations which may be effected under the head of hydro-pneumatics, using compressed air to force water, or the reverse. Looking at all these matters, I do not think it is likely that within the next twenty years this system of water-power will be seriously assailed. It may be modified; it may be improved; but I do not think it is likely to have a formidable competitor within the next twenty years.

1010. In view of its progress during the last five or ten years, you do not think electricity is a very serious competitor in this line of business? Not yet; but perhaps it may become a most serious competitor in the future.

1011. Will not the Corporation be put to some direct expense in supervising the breaking up of the streets? I do not see that. The Corporation or local authorities are to my mind amply protected under the clauses which compel the Company to replace the material, remake the streets, and maintain them for a definite period. Of course that period, like the maintenance of railway works, is open to question.

1012. Is it necessary that a special inspector shall be employed by the Corporation to supervise your works in this respect? Certainly not.

1013. You think that the inspector who supervises the breaking up of the streets to lay gas or water-pipes can also supervise this work? Easily.

1014. Therefore, if the expense of supervision has been a reason why the Company should pay $2\frac{1}{2}$ per cent. on its capital or some portion of its profits to the Corporation, you think it is of very little weight? Very little indeed. I was once a Corporation officer; I was district and building surveyor; I know something about the matter.

1015. Where were you engaged in that capacity? In Sydney. I had Phillip and Denison wards. I made Devonshire-street and Castlereagh-street. I also remade Botany Road, as it was called, and Abercrombie-street.

1016. You have an intimate knowledge of the requirements of the City Council? I think I possess a fair knowledge of these matters.

1017. *Mr. Barbour.*] I suppose there will be some little expense connected with the matter? There may be some little expense, but it would be very small in relation to the magnitude of the operations of the city and the benefits conferred. It seems to me it really was not worth the Council's while to take it into consideration if they desire to give the citizens the benefit of the introduction of a new power such as this.

1018. *Mr. Lees.*] Suppose another company offers more liberal terms, would it be worth the Council's while to consider it? I think it would be worth their while to consider this proposal on a commercial and financial basis, and to ascertain whether it is possible for the company to carry out certain proposals that are contained in No. 2 Bill.

1019. Supposing they have so concluded, and have based their conclusions on the experience of another country? I should join issue with them at once. They have no experience of any country in Australia to guide them.

1020. You know that there is an Act in Victoria? I know there is an Act, but I know that the works are not yet in existence.

1021. Do you know what it provides for? Yes; I know that it provides that $2\frac{1}{2}$ per cent. on the subscribed capital shall be placed in the hands of trustees annually, that this sum shall be put out at compound interest, and then when the period arrives the Corporation may elect to purchase the property, they can out of this sum of money insist that the whole plant and machinery, from top to bottom, shall be put in first class order; that is, renewed out of the remainder. If there is enough they will purchase the plant, and should there be any surplus they will hand it over to the promoters.

1022. Do you approve of that? Certainly not.

1023.

1023. What do you think would be the effect of adopting that principle? The effect, first of all, would be that the Company would have to charge such a rate as would meet those charges; that is, such a rate which would render the power too dear, or dearer than any other kinds of power which are easily obtained now. It would practically defeat the whole object of the Bill, namely, to give cheap power to the people.

1024. Would you object to give the Corporation a share of the surplus profits beyond 10 per cent.? No; I think that is a reasonable thing. In consideration of the good agencies—the good offices of the City Council—I should be quite willing, after those who are running the risk now and finding the capital have been paid a fair percentage on their venture, that any surplus should be divided in equal moieties between them and the Corporation.

1025. *Mr. Wall.*] What is the amount of capital you propose to invest in machinery and pipes? I estimate that it will take about £70,000 to start the works over the area which has been described.

1026. The City Council do not propose to charge you 2½ per cent. on the £70,000? If we subscribed the whole amount they would charge us 2½ per cent. on the £100,000. They propose to mulct us in this penalty of 2½ per cent. on the whole capital subscribed, whether invested in the works or not.

1027. Although you had £50,000 invested in machinery, and the balance of the capital as a reserve fund, they would charge you 2½ per cent. on the reserve fund as well as on the capital? Yes.

1028. *Mr. Lees.*] It is not likely that you would call it up for the mere sake of having a reserve fund? It might be necessary. We might find it necessary to call up all the money in order to provide additional plant, and before it was obtained or paid for we should be subjected to this fine.

1029. *Mr. Barbour.*] This Company does not seek any monopoly? No; there is no monopoly.

1030. If the thing was paying too well a similar company would have an opportunity of going into the field? Parliament would never tie up its own hands. It simply gives us powers which it can grant to any other company. We do not ask for any exclusive powers, and this Bill does not take any exclusive powers.

1031. *Mr. Wall.*] Do you think, providing you require (say) £50,000 to invest in machinery, you would call up the whole amount? My experience with regard to machinery is that no matter how carefully you may make your calculations, when you get into actual work you find that your calculations are exceeded by 10, or 15, or 20 per cent.

1032. You think it would be necessary for you to have a reserve fund? Quite so.

1033. *Mr. Lees.*] Could you not have a reserve fund out of the profits, and call up one half of your capital? We could not do that.

1034. You say that the damage done to the streets is fanciful? I say it is fanciful, in relation to the provisions in the Bill, to repair and replace the streets, that after that is done and after maintenance is provided for, for which we are answerable, and powers are given to the local authorities to make good anything we have neglected to do or refused to do at our expense, I say that any damage to the streets, over and above all this, is a fanciful damage.

1035. Your proposal is to place the pipes under the pathways? Our proposal is to place them along the pathways, the streets, or lanes, or highways, or anywhere it is approved of.

1036. Do you know that the water and gas pipes are under the pathways at present in some of the principal streets? They may be here and there under the pathways, but as a rule they are not.

1037. Do you know that a certain amount of damage was done to the flagging or pavement in taking up what was new or old in order to lay these pipes? I suppose there was.

1038. Do you know that it cost the citizens a sum of money in that respect? Yes; but the Company are liable in this instance.

1039. Do you know that litigation was threatened, when it was shown that the Corporation was not responsible for the damage done. The stone was of no use? Very likely. There is a lot of it which is scarcely able to hold itself together.

1040. Would you be prepared to leave the pavements as good as you found them? Yes; but we would not be prepared to give them 6-inch flagging for 1½-inch flagging. I should like to say a few words with regard to the elimination, as it is called, of some particular clauses or particular parts of a clause in our Bill as compared with what is known as the Melbourne Bill. Attention has been called to the matter elsewhere, and I should like to allude to it now. In the other Bill power is given to the promoters of the company to open the streets and lay their pipes, in fact to carry on their works, provided that they have the written consent of the local authorities. I, as one of the promoters of this Company, strongly object to such a provision being made in our Bill. We come to Parliament for powers to enable us to ask the City Council to do something for us in writing, and to compel us to carry out the works without loss to the City in its corporate capacity or to individual citizens. But to say that the City Council shall have power actually to veto our Bill after we have got it is, I think, asking a great deal too much. If we do not go on with the works within a certain time our powers lapse under the Bill. Supposing we want to lay mains in a certain direction and our application is postponed month after month by the Corporation, and they decline to give their consent in writing until six months has elapsed, then our Bill is absolutely of no value to us.

1041. *Chairman.*] You have been long resident in this Colony? Yes; thirty-five years.

1042. You have occupied a prominent position for some time in the community? Yes.

1043. Many of the promoters of this Bill have occupied a similar position? Yes; they are well-known men.

1044. You think that any assertion that you are a set of adventurers is most unjustifiable and most untrue? Yes. I think it is about as pertinent as the term which was applied to me and some other gentlemen some years ago, namely, "Kenny Hill schemers."

Thomas Samuel Parrott, Esq., recalled, and further examined:—

1045. *Chairman.*] You are acting as secretary to this Power Company? Yes.

1046. You and several directors of the Company waited upon the Mayor and Aldermen upon the 9th instant? Yes.

1047. Have you received any communication since that time from the Town Hall with regard to this Bill? None whatever.

1048. Has any correspondence taken place between you and the City Council? A considerable amount. I beg to hand in a copy of the correspondence. (*Appendix B.*)

W. T. Poole,
Esq.

20 Mar., 1888.

T. S. Parrott,
Esq.

20 Mar., 1888.

T. S. Parrott, 1049. *Mr. Lees.*] You were the first person in connection with the Company to communicate with the Corporation of Sydney? That is a very difficult question for me to answer; it is not in my power to answer it.

Esq.

20 Mar., 1888.

1050. Have you any reason to believe that you were the first? I can only state that when I initiated the movement, which was in April, 1886, a circular was distributed throughout the city, but whether it was furnished to the Corporation I do not know.

1051. What is the date of your first direct communication with the Council? I think it was last December. Although the movement was started two years ago, it was no use going to the City Council until everything was ready to be submitted to Parliament. I had to go to England first.

SYDNEY HYDRAULIC-POWER COMPANY'S BILL.

APPENDIX.

[*To Evidence of W. Gardiner, Esq.*]

A.

Correspondence between Messrs. Parrott & Cameron, Sydney, and Messrs. John Coates, and John Coates and Company, Melbourne and London.

[*This correspondence was brought about through a letter having been received by Mr. Gardiner, the Chairman of the Sydney Company, enclosing a cablegram which the Messrs. Coates, of Melbourne, had received from their London firm, asking them to assist the Sydney Company in carrying out their scheme, and other correspondence from the Messrs. Coates having been brought under the notice of the Company's engineers.*]

Hydraulic-power for Sydney.

Dear Sir,

Mercantile Mutual Chambers, 118, Pitt-street, Sydney, 16 January, 1888.

In the work of pushing forward our scheme for supplying Sydney with hydraulic-power, we have several times lately had brought under our notice letters from your firm in Melbourne. The last occasion was a few days ago, when a letter from yourself to the City Council was before that body.

This is causing some confusion, and the Council is asking whether two companies are seeking the same power from the Legislature.

Your action has no doubt been taken in ignorance of what has been done in Sydney.

A strong provisional committee of leading Sydney citizens was formed here months ago*, who instructed our Mr. Parrott to proceed to England to collect information bearing on the question of power supply, and to endeavour to make terms with the London Company to assist in carrying out the installation for Sydney.

All this work was successfully accomplished by our Mr. Parrott, and we are now only awaiting the passage of the Bill which is before the House to at once commence the work of installation.

We shall be glad to supply you with any further information of our progress, and are thankful for the good wishes you express for the success of the undertaking, in your letter to Mr. Gardiner, who is Chairman of the Sydney Company.

We are, &c.,

PARROTT & CAMERON.

* As a matter of fact, nearly two years ago.—P. & C.

John Coates, Esq., Planet Chambers, 8, Collins-street, E. Melbourne.

J. Coates & Co., Gas, Hydraulic, and General Engineers,
Chief Office, 106, Cannon-street, London,

Planet Chambers, 8, Collins-street East, Melbourne, 19 January, 1888.

Dear Sirs,

Yours of the 16th January to hand, and must express our surprise at its contents. We wrote to Mr. Gardiner, who said he had referred our letter to you, and have been struck with the studied silence which followed it.

In November, 1886, we made application to the Town Council on behalf of our Sydney friends, and not hearing anything further of our suggestion to work in conjunction with you, pursued our original intention and wrote to the Council on the subject of our former application.

We know that no one had spoken of the matter in Sydney before we wrote, and but for the purpose of putting the scheme into a proper form so as to have the best model to work upon, we should have carried out the scheme before now in Sydney.

We think it would have been more courteous if, instead of waiting till we wrote to the Council, you had replied to our letter to Mr. Gardiner.

Those are the only letters that you refer to.

We may say that we do not require the assistance of the London Company in any way, and as several members of the Sydney Legislature are supporting us, we have written to them explaining how matters stand.

When we were in Sydney last we heard that a move was being made to copy our Melbourne project, but could not hear that any Company was registered.

We have carried out several plants already in various parts of England, Europe, America, &c.

We are, &c.,

J. COATES & CO.

Messrs. Parrott & Cameron, 118, Pitt-street, Sydney.

Dear Sirs,

Mercantile Mutual Chambers, 118, Pitt-street, Sydney, 21 January, 1888.

We are much surprised at reading the contents of your letter of 19th instant, which we will reply to in detail.

You mention that you wrote a letter to Mr. Gardiner, that you received a reply from that gentleman stating that he had sent your letter to us, and that you are astonished at our "studied silence" in respect to this letter.

In respect to this we have only to state that we communicated with Mr. Gardiner in reference to this letter, and he told us he had replied to it.

Your next paragraph points out that you brought this question of hydraulic-power supply under the notice of the City Council in November, 1886.

In April of the same year (you will notice, eight months prior to the date mentioned in your letter) we took the initiatory steps for introducing a power supply to the city of Sydney.

A month later we had a strong Committee of the leading citizens formed, and in June our Mr. Parrott was sent to England for the purpose of entering into negotiations for securing the most efficient installation.

At the time you mention as having brought your proposals forward (of the nature of which we are entirely ignorant) the negotiations in England were practically completed.

In this same paragraph of your letter are the following words:—"And not hearing anything further of our suggestion to work in conjunction with you."

We

We must ask you to accept our assurance that your letter of the 19th instant is the first communication we have ever had from you, and it was only on receipt of that letter, coupled with the letter sent to us from Mr. Gardiner, that we became aware you were interested in the introduction of a power scheme in Melbourne.

In the next paragraph you say, "we know that no one had spoken of the matter in Sydney before we wrote, etc."

You will see by what we have just stated that this is not correct, as we commenced our movements in April, 1886, and they have been continued with vigour up to the present date.

Your next paragraph charges us with a want of courtesy.

This must have been written hastily as you must see from what we have already stated that we were not in any way aware that any steps had been taken in Sydney in this matter by a Melbourne firm, and with regard to Mr. Gardiner's letter, we took the trouble to see him to ask him if we should reply to it, and he told us he had done so himself.

With regard to your next paragraph referring to the assistance of the London Company, and your intention to communicate with certain members of our Legislature, we have nothing to say.

Finally you say:—"When you were last in Sydney you heard that a move was being made to copy your Melbourne project."

We know nothing of any such move, and so far as we are concerned, we do not know what the features of the Melbourne project may be.

We are, &c.,

FARROTT & CAMERON.

Messrs. J. Coates & Co., Planet Chambers, 8 Collins-street East, Melbourne.

J. Coates & Co., Gas, Hydraulic, and General Engineers,
Chief Office, 106, Cannon-street, London.

Planet Chambers, 8, Collins-street East, Melbourne, 26 January, 1888.

Dear Sirs,

Yours of the 21st to hand. Our hasty remarks were based upon the expectation of a reply to our first letter, as we always thought it strange that you did not write, but as we never heard of any other firm preparing to undertake the supply of hydraulic-power to the public of Sydney, we naturally pressed our claim, and having already spent considerable time and money over the scheme, along with our friends, we do not feel justified in surrendering our claim, and shall certainly oppose any connection between the Hydraulic-power Company of London, and Sydney.

Continual references have been made in all the journals to our Melbourne project, which is now all definitely settled and arranged.

Our Mr. Swinburne will be in Sydney on or about February 4, and will, perhaps, give you a call if you wish it.

We are, &c.,

J. COATES & CO.

Messrs. Parrott & Cameron, Sydney.

Dear Sirs,

Mercantile Mutual Chambers, 118, Pitt-street, Sydney, 30 January, 1888.

Your favour of the 26th instant is to hand, and we still find your remarks difficult of interpretation.

You say you have always thought it strange that you did not get a reply to your first letter. We never received any letter from you until the one dated 19th instant to which we replied on 21st idem.

You state that you have spent considerable time and money in the furtherance of the scheme for Sydney.

We also have expended considerable sums of money (including the cost of a trip to Europe), and have unceasingly applied ourselves to the working up of our proposals, made in April, 1886, and find it difficult to understand how these labours should have escaped your notice.

We note your remark that you will oppose any connection between the Hydraulic-power Company of London and Sydney.

We shall be glad to receive a visit from Mr. Swinburne if it is his wish to call and see us.

We are, &c.,

FARROTT & CAMERON.

Messrs. J. Coates & Co., Planet Chambers, 8, Collins-street East, Melbourne.

Conversation between Messrs. T. S. Parrott and Geo. Swinburne.

ON February 13th, Mr. Swinburne called at this office and made a request that the Messrs. Coates & Co., of London and Melbourne, should be admitted into the Company that had been formed in Sydney to carry out the hydraulic-power scheme.

I requested Mr. Swinburne to submit any proposal he had to make in writing, and I would at once bring it under the notice of the Directors.

Mr. Swinburne seemed disinclined to do this, and intimated to me that if the Sydney Company did not make a proposal to admit the Melbourne Company, they would use all their influence to prevent the passing of our Bill.

T. S. PARROTT,

118 Pitt-street.

[To Evidence of T. S. Parrott, Esq.]

B.

Correspondence between the Sydney Hydraulic-power Company (Limited), and the Mayor and Corporation of Sydney.

The Right Worshipful John Harris, Esq., Mayor of Sydney.

Sir,

York-street, Sydney, 17 February, 1888.

As Chairman of the promoters of the Sydney Hydraulic-power Company (Limited), I am requested to correct the erroneous impression caused by the publication of your speech at the meeting of the City Council on Thursday last.

You are reported at that meeting to have stated that it was "an insult to the Council that such a Bill had been brought before Parliament in such a manner. In the first place it should have come before the Council. . . . Now, a private company wished to take up their streets, and had not the common courtesy to come to the Council or notice them in any way. It was time the Council should take some stand. . . . It was absurd for them to be asked to show consideration to a private company who had treated the Council with such direct contempt. Five gentlemen—Messrs. W. Gardiner, W. H. Paling, W. T. Poole, Jas. Angus, and J. W. Cliff—had the impertinence to go to Parliament, and asked to be allowed to enter, cut up, and make use of the public streets, open and break up any sewers, drains, or tunnels, and yet never consult the Corporation. . . ."

As such statements are founded on a total misapprehension of facts, I beg to submit the following correspondence and other particulars:—

1st. About the middle of November I saw the ex-Mayor, Mr. A. J. Riley, in reference to the objects of the Company, and was most courteously received by him.

2nd. Subsequent to this interview the following letter was sent:—

Gentlemen,

Sydney, 8 December, 1887.

I have the honor to request the favour of an interview as soon as possible with you, concerning the scheme of the Sydney Hydraulic-power Company (Limited), to facilitate the supply of motive power on the high-pressure hydraulic system (as so successfully used in London and Hull) for wharves, warehouses, and other buildings, and for the extinguishing of fires, and other purposes, in Sydney and its suburbs, and to solicit the support of your Council in an application to Parliament for the necessary powers.

By naming an early date on which you would receive the deputation (four or five persons), you would greatly oblige.

I have, &c.,

A. GARDINER,

To His Worship the Mayor and Aldermen of Sydney.

Chairman for the Promoters, Sydney Hydraulic-power Co. (Limited).

To

To the foregoing letter I received the following reply :—

Sir,
I am directed by His Worship the Mayor to acknowledge receipt of your note of the 8th instant, and to state that he will be glad to give you an interview on Wednesday next, the 14th instant, at 11 a.m.
Town Hall, Sydney, 12 December, 1887.
I am, &c.,
JNO. R. PALMER,
Assistant Town Clerk.

Mr. W. Gardiner, 333, George-street.

On the 14th December the deputation, consisting of Mr. Angus, Mr. Poole, Mr. Cameron, and myself, waited upon Mr. Riley, and a general discussion ensued on the objects and merits of the Company, and at Mr. Riley's request the following letter was sent to the Mayor and Aldermen (yourself included) :—

Hydraulic-power scheme for Sydney.

Gentlemen,
In accordance with the request of His Worship the Mayor, conveyed to us at our interview with him on the 14th instant, we have now the honor to lay before you the outline of our proposition to supply Sydney and suburbs with hydraulic-power.
333, George-street, Sydney, 15 December, 1887.

Briefly, we propose to lay down through the streets of Sydney, or along the footpaths, a system of mains to deliver water-power to consumers at a pressure of about 700 lb. to the square inch, and the advantages to the public will be as follows, viz. :—

1. A rapid, sure, and easy means of extinguishing fires.
2. A cheap and reliable means of working passenger-lifts, which are so much needed in this hot climate, to save toiling up long flights of stairs.
3. For compressing and dumping wool and other material with expedition and cheapness.
4. For the working of machinery for all ordinary purposes.
5. For the working of cranes and whips for loading and unloading cargo.
6. For the working of cranes and whips used in the construction of large buildings.
7. For a ready and cheap means of generating electricity for lighting and other purposes.
8. The proposed power will increase the floor-space available for all commercial and industrial purposes fully one-half, and will therefore correspondingly increase the value of all city property. For instance, in London and New York, through the use of this power, buildings were now constructed up to twelve and fourteen stories, and the top floors are found to be the first to let, in consequence of having better light and air, and freedom from street noise.
9. London has over 20 miles of power mains and many thousands of consumers, and the increase there of mains and consumers is very rapid.
10. From the foregoing it will be seen that the advantages offered to the general public are very large, because power of the most simple application can be had from the mains direct to perform any mechanical work, from the driving of a sewing-machine to the working of the most powerful machinery known to modern science, irrespective of the large increase in value which will be given to property through the introduction of the power.

We enclose a tracing showing streets in which it is proposed to lay the mains.
In conclusion, the promoters respectfully request an early interview with your Worship and the Aldermen to go fully into the scheme, with the view of obtaining your concurrence and support.

We have, &c.,
The Promoters, Sydney Hydraulic-power Company (Limited),
W. GARDINER,
Chairman.

To his Worship the Mayor and Aldermen, Sydney.

To this I received your reply as follows :—

Sir,
I have the honor to acknowledge the receipt of your letter of the 15th instant upon the matter hereunder mentioned, and to inform you that it will receive consideration as soon as possible.
Town Clerk's Office, Sydney, 16 December, 1887.

I have, &c.,
JNO. R. PALMER,
Assistant Town Clerk.

Subject : Supplying hydraulic-power in City.

To the Manager, Hydraulic Company, 333, George-street.

DURING the week preceding Christmas Mr. Cameron left with the Mayor's private secretary a copy of the draft Bill with a note.

Late in December Mr. Parrott again personally brought the matter under the notice of the Mayor.
On the 30th December the following circular letter was sent to each Alderman, including yourself, accompanied by a map of the city, setting forth the area over which it was proposed to operate in the first instance :—

Dear Sir,
Mercantile Mutual Chambers, Pitt-street, 30 December, 1887.
A short time ago we forwarded to the Mayor a statement of our proposed scheme for supplying Sydney with hydraulic-power, describing the objects and scope of the Company.
The Mayor proposes to bring this communication under the notice of the Council, in order to get an expression of their views.

We have now the pleasure to forward to you herewith particulars of some of the objects and advantages of this power scheme, which may assist you in coming to a determination as to its merits when the subject comes before you in due course in Council.

It is proposed to supply the city and suburbs of Sydney with hydraulic-power, which will be available for the extinction of fires, operating passenger and freight lifts, compressing wool, tobacco, and other materials, working cranes, whips, or capstans, for loading or unloading cargo, cranes and whips used in the erection of large buildings, for generating electricity, and for operating machinery generally.

In order to accomplish this purpose a central pumping station would be established at some convenient spot, where the power would be first developed by steam and distributed under high pressure through pipes specially constructed for sustaining the pressure.

The system has proved a great success in England, where several of the principal cities are supplied with power by companies who have acquired the necessary authority to carry out the work. In London particularly it is considered by the citizens to be a great boon, and Parliament readily gave similar power to companies to carry out the like works in Liverpool, Birmingham, and other places.

It should not be forgotten that the proposed scheme is in no way connected with schemes for water supply, or for sanitary purposes, such as are generally taken up by municipal bodies. This scheme is simply for the supply of power over the city wherever it may be required, the power being first developed by steam at a central station, after which the pipes are merely used for its distribution.

This power could be applied to the ordinary service pipes in and about the city from the hydraulic main at any point that might be threatened with fire, and thus prove a most valuable aid to the comparatively low-pressure service in cases of fire. It would undoubtedly increase the efficiency and economy of the lift service, which has now become an important question in the city, and would also largely reduce the fire risks where lifts are now being operated by gas and other engines in the basement. The increased efficiency of the lift service would render it possible to double the present height of the city buildings, and thus largely increase the value of city property.

The

The necessary legislative authority has just been obtained in Melbourne for a similar supply of power in that city, and the work of installation is now being proceeded with.

We attach hereto a plan of the city, showing the area over which it is intended first to operate, and shall be glad to furnish any other particulars that may be desired.

We are, &c.,

W. GARDINER, Chairman.

The second week in January Mr. Parrott waited upon you by appointment at the Town Hall (see letter following), and fully explained the objects of the Company, the interview lasting nearly an hour :—

Dear Sir,

Sydney, 4 January, 1888.

I shall be glad if you can give me an interview any morning this week convenient to yourself.

I wish to see you in reference to a proposal for the supply of hydraulic-power brought under the notice of the late Mayor.

I have, &c.,

T. S. PARROTT.

The Right Worshipful John Harris, Esq., Mayor, Sydney.

On the 3rd instant I addressed you as follows :—

UNDER date 15th December I had the honor of addressing to your predecessor in office a letter bearing on the introduction of hydraulic-power into the city of Sydney, and owing presumably to his retirement I have not as yet received a reply.

As early as October last we inserted the necessary advertisements notifying our intention to apply to Parliament for the Bill; but out of courtesy to the City Council, and to give its members the opportunity of expressing its opinion before going further in the matter, we allowed our notifications to lapse, and commenced *de novo*.

I would therefore take it as a favour if you would undertake to reply to my letter to your predecessor.

We are anxious that the Bill should be introduced immediately after the assembling of Parliament, and your early attention would therefore be appreciated.

I have, &c.,

W. GARDINER,
Chairman, Sydney Hydraulic-power Company (Limited).

Not receiving any reply to our repeated efforts to induce your Council to consider the matter, and being obliged by the conditions of public business to either postpone the project to some future session or to proceed at once, we adopted the latter course in full expectation of receiving the approval of your Council.

On 16th February, at the request of the Chairman of the Select Committee of the House of Assembly, twenty-four copies of the Bill were sent to the Town Hall for the aldermen.

On perusal of these facts I trust you will see that no discourtesy whatever has been intended, and that on the contrary the promoters have done all they could to consider your Council in such a project affecting the streets of the city.

As the statements of your Worship have gone forth to the public through the press, I am requested to hand copies of the foregoing to the press for publication.

I have, &c.,

W. GARDINER,
Chairman, Sydney Hydraulic-power Company (Limited).

Sir,

I have the honor to acknowledge receipt of your letter of 3rd instant, upon the matter hereunder mentioned, and to inform you that it will receive consideration as soon as possible.

Town Clerk's Office, Sydney, 7 February, 1888.

I have, &c.,

JNO. R. PALMER,
Assistant Town Clerk.

Subject: For reply to letter *re* hydraulic-power in city.

To the Chairman, Sydney Hydraulic-power Co., York-street.

Sir,

I have the honor to acknowledge receipt of your letter of 17th instant, upon the matter hereunder mentioned, and to inform you that it will receive consideration as soon as possible.

Town Clerk's Office, Sydney, 20 February, 1888.

I have, &c.,

JNO. R. PALMER,
Assistant Town Clerk.

Subject: *Re* remarks by Mayor in Council.

To the Manager, Hydraulic-power Co., York-street.

Sir,

I am requested by the Committee of the Sydney Hydraulic-power Company to ask the favour of an interview on Monday or Tuesday next at whatever hour you may appoint to ascertain the views and wishes of your Council in regard to our Bill, concerning which we are sure there is some misapprehension on the part of your Council.

I have, &c.,

W. GARDINER,
Chairman.

To the Right Worshipful John Harris, Mayor, Sydney.

Sir,

With reference to your letter of the 2nd instant, requesting an interview with the Mayor in regard to the Bill presented to Parliament by the Sydney Hydraulic Company, I have the honor, by direction of his Worship, to inform you that the matter is now in the hands of the Finance Committee of the City Council, who have decided that a petition be presented to Parliament praying that the proposed Bill may not be passed by the Legislature.

I have, &c.,

HENRY J. DANIELS,
Town Clerk.

W. Gardiner, Esq., Chairman Sydney Hydraulic Co., 87, York-street.

Gentlemen,

For nearly three months we have been endeavouring to obtain an interview with you on the subject matter of our Hydraulic-power Bill, but no opportunity has yet been afforded us of meeting you.

On Friday, 2nd instant, we wrote to his Worship the Mayor, asking him to receive a deputation on the subject, but owing, we are informed, to the matter having passed into the hands of the Finance Committee, our request was not granted.

We now respectfully request that you will allow us to wait upon you in full Council, before coming to a decision on the report of the Finance Committee, recommending Parliament not to pass our Bill.

A representative of the Company will be in waiting at the Town Hall, and will secure the attendance of the deputation at a few minutes notice.

I am, &c.,

For the Sydney Hydraulic-power Co. (Limited),

W. GARDINER,
Chairman.

The Right Worshipful the Mayor and the Aldermen of the City of Sydney.

Sir,

Sir, Town Clerk's Office, Sydney, 7 March, 1888.
 With reference to your letter of the 5th instant, I have the honor, by direction of the Right Worshipful the Mayor, to state that there will be no objection to a deputation being in attendance at the Town Hall on Friday, the 9th instant, at 12 o'clock, in the event of the Council being prepared to receive the same, which is a matter entirely for their own decision.

I have, &c.,
 HENRY J. DANIELS,
 Town Clerk.

W. Gardiner, Esq., Chairman, Sydney Hydraulic Company, 87, York-street.

Memorandum from the Town Clerk, Sydney, to Chairman, Sydney Hydraulic Company.

Sir, Town Hall, George-street, 10 March, 1888.
 Please forward per bearer, for further consideration of aldermen, thirty copies of proposed Bill, and oblige
 Yours, &c.,
 J. R. PALMER
 (For HENRY J. DANIELS),
 Town Clerk.

Sir, 87, York-street, Sydney, 10 March, 1888.
 Your memorandum of this date is to hand, and in compliance therewith I now beg to hand you twenty further copies of the Sydney Hydraulic-power Company's Bill, which are all that are at present available, and would point out that each of the aldermen of the City Council has already been supplied with a copy of the Bill.
 I will, however, if necessary, endeavour to procure another ten copies, so as to make up the complement required by you.

The Town Clerk, Sydney.

I am, &c.,
 W. GARDINER,
 Chairman, Sydney Hydraulic-power Company (Limited).

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HYDRAULIC-POWER COMPANY'S BILL.

(PETITION FROM MUNICIPAL COUNCIL OF SYDNEY AGAINST.)

Received by the Legislative Assembly, 1 May, 1888.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales, in Parliament assembled.

The humble Petition of the Municipal Council of Sydney,—

SHOWETH:—

1. That your Petitioners have learned that certain Bills have been introduced before your Honorable House, and that one of such Bills has been duly referred to a Select Committee of your Honorable House, and has been reported upon by such Committee.

2. That it will be necessary, in order to effect the purposes of such Bills, to break up the streets of the City of Sydney, of which your Petitioners are the guardians for the time being.

3. That the breaking up of the said streets would be a serious inconvenience, and would offer great hindrance to the public and the traffic of the said city, which could only be minimized by such work being carried out under the supervision of your Petitioners, with a view to the care of the public convenience.

4. That in view of the premises the following resolution of your Petitioners should be regarded in the consideration of such Bills:—

“That Parliament be petitioned, through his Worship the Mayor, not to pass into law any Bill to facilitate the motive power on the high pressure hydraulic system, for use on wharves and in warehouses, and other buildings in the city, before the Council has had an opportunity of considering such Bill.”

That your Petitioners therefore humbly pray, for the foregoing and other reasons, that your Honorable House will not pass any such Bill into law until your Petitioners have had due and sufficient opportunity for considering the same.

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

Dated this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighty-eight.

JOHN HARRIS,
Mayor.

In witness whereof the common seal of the Municipal Council of Sydney is hereto affixed, this twenty-eighth day of April, A.D. 1888.

HENRY J. DANIELS,
Town Clerk.

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SYDNEY HYDRAULIC POWER COMPANY'S BILL.

(PETITION FROM CERTAIN RESIDENTS OF SYDNEY IN FAVOUR OF.)

Received by the Legislative Assembly, 1 May, 1888.

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

The humble Petition of the undersigned residents of Sydney,—

RESPECTFULLY SHOWETH:—

That whereas the Bill of the Sydney Hydraulic Power Company (Limited), now before your House, provides—

1. For the distribution of hydraulic power throughout the city of Sydney and the suburbs thereof.
2. For the supervision by the local authority of all such works, so far as regards the streets and thoroughfares.
3. For the repair by the Company of all damages, and for the maintenance of all places in which pipes are laid for the full period of twelve (12) months.
4. For the right of purchase of the works by the Council at the expiration of twenty (20) years from the passing of this Bill, or at the end of any and every succeeding ten (10) years for all time; and
5. For the payment by the Company of one-half the profits over and above ten (10) per cent. to a fund to enable the Council to make the said purchase.

And whereas the City Council have resolved to petition your Honorable House to set aside this Bill, and to pass a measure empowering the Council to construct the proposed works, and to enter upon the business of supplying the citizens with hydraulic power: Now, therefore, your Petitioners, being deeply interested in the commercial progress of the city, and desirous of securing those facilities which hydraulic power affords, and believing that the establishment of such works is not within the proper functions of the Council, your Petitioners humbly pray that you will be pleased to give Legislative sanction to the Bill now before your Honorable House, and that you will not arm the City Council with powers to appropriate the funds of the citizens to any such speculative enterprise.

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

[Here follow 281 signatures.]

1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SYDNEY AND SUBURBAN HYDRAULIC
POWER COMPANY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 *June*, 1888.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 85. WEDNESDAY, 2 MAY, 1888.

7. SYDNEY AND SUBURBAN HYDRAULIC POWER COMPANY'S BILL (*Formal Motion*):—Mr. Brunker moved, pursuant to Notice,—
- (1.) That the Sydney and Suburban Hydraulic Power Company's Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Creer, Mr. Carruthers, Mr. Day, Mr. Frank Farnell, Mr. Garland, Mr. Kethel, Mr. Melville, Mr. Frank Smith, Mr. Wall, and the Mover.
- Question put and passed.
-

VOTES No. 99. WEDNESDAY, 6 JUNE, 1888.

6. SYDNEY AND SUBURBAN HYDRAULIC POWER COMPANY'S BILL:—Mr. Brunker, 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 consideration and report this Bill was referred on 2nd May, 1888, together with Appendix and a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

SYDNEY AND SUBURBAN HYDRAULIC POWER COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 2nd May, 1888,—the “*Sydney and Suburban Hydraulic Power Company's Bill*,”—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose See List, p. 5 evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments, including an amendment in the Title.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Title.

JAMES M. BRUNKER,
Chairman.

No. 2 Committee Room,
Sydney, 17th May, 1888.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 10 MAY, 1888.

MEMBERS PRESENT:—

Mr. Day,	|	Mr. Brunker,
		Mr. Frank Farnell.

Mr. Brunker called to the Chair.
 Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.
 Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Committee deliberated.

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

WEDNESDAY, 16 MAY, 1888.

MEMBERS PRESENT:—

Mr. Day,	|	Mr. Frank Farnell,
Mr. Frank Smith,		Mr. Creer.

Mr. Day called to the Chair (*pro tem*).
 W. C. Bennett, Esq. (*Commissioner for Roads and Bridges*), called in, sworn, and examined.
 Witness withdrew.
 Alderman M. Chapman called in, sworn, and examined.
 Witness withdrew.
 George Swinburne, Esq. (*one of the Promoters*), called in, sworn, and examined.
 Witness *handed in* correspondence on question of hydraulic power between the Sydney Corporation, Wm. Gardiner, Esq., Messrs. Parrott & Cameron, and Messrs. J. Coates & Company.
 Room cleared.
 Committee deliberated.

[Adjourned to to-morrow at *half-past One* o'clock.]

THURSDAY, 17 MAY, 1888.

MEMBERS PRESENT:—

Mr. Brunker in the Chair.

Mr. Day,	|	Mr. Creer,
Mr. Frank Farnell,		Mr. Carruthers,
	Mr. Melville.	

John Harris, Esq. (*Mayor of Sydney*), called in, sworn, and examined.
 Witness withdrew.
 Preamble considered.
 Question,—“That this Preamble stand part of the Bill,”—put and passed.
 Clause 1 read and *agreed to*.
 Clause 2 read, *amended*,* and *agreed to*.
 Clause 3 read and *agreed to*.
 Clause 4 read, *amended*,* and *agreed to*.
 Clauses 5, 6, and 7 read and *agreed to*.
 Clause 8 read, *amended*,* and *agreed to*.
 Clauses 9 to 32 read and *agreed to*.
 Clause 33 read, *amended*,* and *agreed to*.
 Clause 34 read, *amended*,* and *agreed to*.
 Clause 35 read, *amended*,* and *agreed to*.
 Clauses 36, 37, 38, 39, and 40 read and *agreed to*.
 Title read, *amended*,* and *agreed to*.
 Chairman to report the Bill to the House with amendments and an amended Title.

* See Schedule of Amendments

SCHEDULE OF AMENDMENTS.

Page 1, Title.	<i>After</i> "buildings" <i>insert</i> "for electric lighting."
" 2, clause 2.	<i>Add</i> to clause "the word Governor" shall mean the Governor with the advice of the Executive Council"
" 2, " 4.	<i>Add</i> to clause "all by-laws made by the company when approved by the Governor and published in the <i>Gazette</i> but not sooner, or otherwise shall have the force of law."
" 3, " 8, lines 18, 19, and 20.	<i>Omit</i> "written or printed document purporting to be a copy of the by-laws of the company, and having the common seal of the company affixed thereto," <i>insert</i> "copy of the <i>Government Gazette</i> containing the by-laws of the company."
" 3, " 8, line 22.	<i>Omit</i> "the document," <i>insert</i> "such <i>Gazette</i> "
" 8, " 33, lines 12 and 13.	<i>Omit</i> "day of — one thousand eight hundred and eighty-eight," <i>insert</i> "date of the passing of this Act."
" 8, " 34, lines 50 and 51.	<i>Omit</i> "day of — one thousand eight hundred and eighty-eight," <i>insert</i> "date of the passing of this Act."
" 9, " 35, lines 3 and 4.	<i>Omit</i> "day of — one thousand eight hundred and eighty-eight," <i>insert</i> "date of the passing of this Act."
" 9, " 35, lines 14 and 15.	<i>Omit</i> "day of — one thousand eight hundred and eighty-eight," <i>insert</i> "date of the passing of this Act."
" 9, " 37, line 31.	<i>After</i> "the" first occurring, <i>insert</i> "thirtieth"
" 9, " 37, line 31.	<i>After</i> "of" <i>insert</i> "June"
" 9, " 37, line 44.	<i>After</i> "the" first occurring, <i>insert</i> "thirtieth"
" 9, " 37, line 44.	<i>After</i> "of" <i>insert</i> "June"

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SYDNEY AND SUBURBAN HYDRAULIC POWER
COMPANY'S BILL.

WEDNESDAY, 16 MAY, 1888.

Present:—

MR. CREER,
MR. DAY,

MR. FRANK FARNELL,
MR. FRANK SMITH.

GEORGE DAY, Esq., IN THE CHAIR.

William Christopher Bennett, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are Engineer-in-Chief for Roads and Bridges, and also for Sewerage? Yes.
2. How long have you been in the service of the Government? Thirty-three years.
3. You must have had a great deal of experience with regard to engineering and hydraulic pressure? Not exactly with regard to hydraulic pressure, but I was brought up on hydraulic works.
4. You are aware that there is a Bill before this Committee to enable a company to carry out a scheme for supplying hydraulic pressure to the citizens of Sydney, to be used for raising lifts, and for other similar purposes? I was examined on a Bill of that sort some time ago; I was not aware that there was another Bill until I was asked to attend this Committee, and I have never seen the Bill until now.
5. Have you had any experience with regard to these hydraulic systems in any other country? No.
6. What is your opinion with regard to them in the city of Sydney; do you think that they would be beneficial to the interests of the people? The only opinion I feel called upon to give upon them is this: that their construction would facilitate the raising of any residuum of sewage that might exist after our Bondi and Botany main outflows were connected. The hydraulic system would facilitate this by enabling us to use Appleby's patent. I had the matter investigated with reference to raising this residuum, if any, some two or three years ago. The chief Assistant Engineer was in England, and he there investigated the possibility of pumping up this sewage, or elevating it so as to send it into the sewer, if we required to do so.
7. Lifting it from the low levels? Yes; from the low places at the head of Circular Quay, Woolloomooloo Bay, and Darling Harbour.
8. Would this hydraulic pressure be useful to the system of sewage? Yes; instead of providing the pressure ourselves, we could avail ourselves of the company's pressure.
9. Would it also be useful for extinguishing fires? It might be useful if worked like Gifford's injector. The stream of water at high pressure would convey the low-pressure water to a greater elevation, just on the same principle as Gifford's injector.
10. And do you think it would be useful for raising lifts in buildings three or four stories high? Yes, it would be very useful.
11. Would this system interfere much with the streets in the City of Sydney? Of course it would interfere to the same extent that a gas-pipe would.
12. But the streets could be made good again? Yes; the injury to a wooden pavement is considerable; the pipes would have to be laid under the footpath, if possible.

W. C.
Bennett, Esq.
16 May, 1888.

W. C.
Bennett, Esq.
16 May, 1888.

13. Would it be better under the footway than under the street? Under most footpaths it would, particularly where the street is paved with wood. That is a matter of detail which should be left entirely to the Corporation.
14. Do you think it would be unwise to give power in this Bill to enable the promoters to carry out this hydraulic-pressure system without placing it under the superintendence of the Corporation? I do not think any power should be given that would not be under the control of the Corporation.
15. You think the Corporation ought to have some person to supervise the breaking up of streets? The Corporation should have the sole control of the breaking up of the streets, and all that sort of thing.
16. But should the Corporation have any control over the laying down of the pipes? They should control the whole.
17. I am speaking about the quality of the pipes and the connections? I think it would be well to have the whole thing under the superintendence of the Council.
18. You think it would be far better that it should be under the superintendence of the Council than under a private company? I do not feel called upon to give an opinion about that. A private company should be under the superintendence of the Corporation. They should in every respect be amenable to the Council, and under its instructions and orders.
19. You think it would be better to have fresh water; or could they manage this hydraulic power with saltwater? If they have anything to do with the sewers, I shall object to the saltwater, decidedly; and I think it would be better for the company themselves to have fresh water.
20. Would there be much difference in the cost? It would not be worth talking about; it would be cheaper for the company to have fresh water, because the injury to their pipes by the saltwater would cost them more than they would have to pay for the fresh water.
21. Then, having the control of the sewerage, you would have no objection to allow fresh water to go through the sewers? None.
22. Would it do the sewers good by flushing them? Decidedly; the saltwater, on the other hand, would do harm, because it has a chemical effect, and would produce gases and decomposition of the sewage before its time.
23. But you could do without it? Oh, yes; the sewers are arranged to do without it.
24. Is the fall sufficient? Yes.
25. It is sufficient to carry away the sewage without this additional flushing, but still this would do no harm, and might possibly do some good? Exactly.
26. And if this hydraulic system were brought into operation you would have no objection that the spare water should be carried back to the original place, and sent down the sewers? It would be a decided advantage with fresh water, but I should object to saltwater.
27. Do you think that the hydraulic system proposed under this Bill would be very useful as a power for working cranes, and for other purposes in connection with shipping, and where motive-power is required? Decidedly. All cranes used in shipping in London are now worked with water-pressure, and the system has been introduced at Newcastle, where the cranes are nearly all hydraulic.
28. And this water-pressure would also be very useful in warehouses where they have to lift goods to a great height? Very useful indeed.
29. Can it be thoroughly depended upon—is there no fear of any breakage? Oh, no, not if the work is properly done. I think it is safer than any other power.
30. Safer than steam? Yes.
31. Do the pipes that carry the water often break? No. If the pipes are properly adjusted to the pressure they will not break. If you put pressure on pipes that they are not prepared for, of course they will break.
32. In this system pressure would not be required to that extent? You will have to have a good pressure, but you will provide pipes that will be able to stand it. If you were to introduce this pressure into the ordinary pipes in Sydney, of course they would not stand it. They are not calculated to stand it.
33. I suppose that in a system of hydraulic pressure of this kind they have stop-valves here and there? Oh, yes; you would have it under control. I should not be at all apprehensive of a break, except that an accident might occur to the surface of a street, or some interference with some other pipes, or something else might cause a break, but that would be an accident, and they would no doubt provide stop-valves.
34. And you are of opinion that if this system were brought into operation and the power supplied at a reasonable price, it would be very useful to the citizens of Sydney generally? Yes.
35. And that nearly all the lifts and cranes would use hydraulic power? Yes.
36. And you think there is no danger to the public in any way in connection with this system? Provided it is under the control of the City Council—properly under the control of the Council. That should be a *sine qua non*.
37. You think it should be under the control of the Council? Yes. I do not offer an opinion as to whether the Council or a company should originate the thing and should carry it on; but I think it should be entirely under the control of the Council as far as the streets and everything of that sort are concerned.
38. But you would not recommend it to be under the control of the Council otherwise than as far as the streets are concerned? I would not offer an opinion on that. My opinion with reference to the matter of private enterprise is that it should be encouraged as much as possible; that too much is done by the Government and incorporated bodies; that private enterprise should be encouraged as far as possible consistent with public safety.
39. But would not the effect be to paralyse, to a certain extent, a private company if some other power had control over them? I do not think so. It is absolutely necessary that the control should exist for the safety of the public and the due care of the streets.
40. *Mr. Frank Farnell.*] You have not read this Bill? No.
41. You think that, with provisions placing the superintendence and control of the system in the local authority or local Council, this hydraulic-power system would be a boon to the citizens of Sydney? Yes, it would be a boon if the system were placed under the superintendence and the due control of the Council. Of course the thing should be regulated so as not to interfere with the commercial rights of the company; and I think there ought to be a limit also as to charges, because the company get a great privilege, and they should be restricted as to their charges.
42. *Chairman.*] Are you aware that this system has been in operation in England for twenty-five years? I am not aware as to the length of time, but I know that it has been in operation in England and also on the Continent for a long time.

43. For use in docks, and for working cranes and all that kind of thing? Yes.

44. And have you ever heard of it doing any injury in any way by breakage or bursting? Not at all. I might correct my previous answer and say that I am aware that the system has been in operation in England for twenty-five years, because Sir William Armstrong has been using it for quite thirty years or more.

W. C.
Bennett, Esq.
16 May, 1888.

45. Water used in London is pumped from the Thames, is it not? I speak generally. I do not speak of any particular thing in London or any other place, but the water comes from the water supply generally. I only know in England of fresh water; I do not know of any instance where saltwater is used.

46. *Mr. Creer.*] Do you think that this hydraulic-power system would be safer and cheaper than the many engines we have now in Sydney? Oh, yes, much. There is no possibility of bursting a boiler or anything of that sort—a contingency to which we are liable at any time in the case of steam.

47. Have you any knowledge of the working of the hydraulic cranes at Newcastle? No, except that I have seen the drawings.

48. Are you aware that there is less breakage from the use of hydraulic power there than from steam power? I think it very likely to be the case.

49. Your opinion is that in carrying a system like this into operation it could be done to greater advantage, and would be better in every respect, by having the sanction and, to some extent, the control of the City Council, rather than if left entirely in the hands of an independent company altogether apart from the City Council? It is absolutely indispensable that somebody should control the company, because people who are only actuated by a commercial spirit, and with the object of getting all the money they can, might do many things that would be inconvenient, and perhaps dangerous, to the public if they were not controlled by the Corporation.

50. Do you think this power would be cheaper than steam, if brought into full working order? Oh, yes. It has superseded steam in England. It is much casier of transmission. In the case of steam you have to have a motor at every place where you want to employ it; but here you only have one main motor, and the power is transmitted through the pipes. It is just possible that electricity may supersede this power some day; but we have not arrived at that stage here yet, nor is it at all likely. We have no great motive-power like a waterfall, or anything of that sort, that could be applied to it.

51. The Chairman asked just now as to the liability to accident. Suppose something went wrong in connection with the pipes at one portion, would that prevent the power being used at other places? Not at all.

Michael Chapman, Esq., called in, sworn, and examined:—

52. *Chairman.*] I believe you are an Alderman of the Corporation of Sydney? Yes.

53. How long have you been connected with the Sydney Corporation as an Alderman or as Mayor? For about twenty-seven years.

M. Chapman,
Esq.

54. Then you have had considerable experience with regard to companies breaking up the streets for the laying of gas-pipes and water-pipes? Yes.

16 May, 1888.

55. I believe that the Gas Company have control over the streets to a certain extent, and can break them up on condition that they make them good again? Yes. They have had that power ever since I belonged to the Corporation.

56. They are not obliged to lay down the pipes under the supervision of the Corporation? No; worse luck for the citizens.

57. Do they give the Corporation notice when they wish to break up any of the streets or lay down their pipes? No.

58. Has the Corporation any control at all over the work while it is going on? No.

59. Has the Corporation any power to see that the streets are all made good again after being broken up? They have no power. But we have repeatedly called the attention of the Gas Company to the necessity of making good the streets, or, if possible, placing them in the same condition that they were in previously, and they certainly have attempted to do it. I believe that they have done all that they possibly could. But no matter how you try to repair a street when once broken up, it is very difficult to make it anything like as good as it was before.

60. Then the feeling of the Corporation is against the system of allowing anyone to interfere with the streets? Yes; because the Gas Company claim the right to go through the main streets, and will not go into the lanes if they can possibly avoid it. The consequence is that the streets are cut up, when the lanes would have done quite as well for the purpose of lighting.

61. Are you aware that there is a Bill now before this Committee to enable the introduction of a system of hydraulic power into the city of Sydney? Yes.

62. Have you read the Bill? I have read a Bill that was brought before the City Council and approved of. There were two Bills. The first Bill that was brought before the Council was not approved of, because the promoters carefully avoided giving the City Council the rights they were entitled to—that is, the right of supervision and so forth, and of consultation as to where the pipes are to be laid. The second Bill was the one which I presume is before this Committee. It was approved of by the Council, because all that was carefully knocked out of the first Bill was allowed to remain in this one.

63. Have the Council taken this Bill into their consideration? I presume that this Bill, which may be called No. 2 Bill, is the one approved of by the Council.

64. Then the Corporation—representing the citizens of Sydney—would not object to this company, and to their having all the powers proposed to be given them under this Bill? No; they have no objection to any Company having such powers, because the Corporation were of opinion, and are of opinion, that there is sufficient protection for them in this Bill.

65. But I understood you to say that they did not agree to No. 1 Bill? Yes.

66. And they do agree to No. 2 Bill? Yes.

67. Then what you mean is, that the Corporation would have agreed with any Bill that met with their approbation—either this Bill or any other Bill? I will answer you in this way: The Corporation of Sydney approve of the system of hydraulic pressure being introduced into the city. They believe that it will be a benefit to the city, and that it is necessary that it should be introduced.

68. Have the Corporation ever had under their consideration the question of carrying out this hydraulic-power system themselves? Yes.

M. Chapman, Esq.
16 May, 1888.

69. Was there any move made towards carrying it out? The only move that was made was to ask the Colonial Secretary to introduce a Bill into Parliament, giving city, suburban, and country corporations all the powers necessary for the laying down of hydraulic power or electric lighting; that is to say, that powers should be given to them—that it should emanate from them as to how it should be carried out. Sir Henry Parkes has not yet done anything in the matter that I am aware of, but I presume it will be introduced into the Local Government Bill, if we ever have such a thing. I consider it will be a very necessary thing to have.

70. Do you consider that this system of hydraulic pressure would be carried out more to the satisfaction of the people of Sydney under the Corporation than under a private company? In my opinion it would be carried on by the Corporation, or by any Corporation, with more satisfaction than by a private company; but Corporations have no power to lay out city funds in a matter of that sort, and consequently they would have to ask the Government to give them power to borrow money for the purpose. There is an immense difficulty about it, and they have not carried it out.

71. Then, as the Corporation could not succeed in doing this themselves, they have no objection to a company doing it? They have no objection to a company doing it.

72. Provided it is to a certain extent under the supervision of the Corporation? Just so: giving them sufficient power to look after the interests of the citizens.

73. Have you had any experience with regard to hydraulic pressure? None whatever.

74. Do you think it would be useful in warehouses, and for cranes, and in connection with shipping generally? I think it would be very useful. From what little I saw of it at Bullock Island, near Newcastle, it seems to be a wonderful power.

75. And works well? Yes.

76. What is your opinion with regard to the laying of these pipes—do you think that it would be better that they should be laid under the footpath or under the main street? That depends upon the situation. For instance, it would not do to lay them down under a main street like George-street or Pitt-street, or any street made of wooden blocks; but I think the pipes might be laid down the centre of a narrow street or lane.

77. Would there be any difficulty in laying down these pipes under the footpath near the kerb? I rather think there would be an amount of difficulty now, inasmuch as we have the water and gas-pipes under the footway in many portions of the city. But if a subway were made so that all pipes could be carried through, I think it would be beneficial—that is, a subway sufficiently large for workmen to go in and look after the pipes.

78. The gas-pipes are laid under the streets in most places? Yes. Some are now laid under the footways, for instance, in George-street, or very close to the water-way. There is a certain amount of danger even in a subway, because, unless a gas-pipe is thoroughly looked after, the gas may escape, and it is just possible that it might fill the subway, and an explosion might take place which would cause a great deal of damage.

79. Are you aware that there is a large number of engines at present at work in Sydney lifting merchandise and passengers from the ground-floor of warehouses to the upper stories? Yes; I know there are some.

80. This would be a cheaper system altogether than that gas-engine system? I do not know as to its being cheaper; I think it would be a better system.

81. Do you think that the people generally would avail themselves of this power for lifts and cranes, and for other hydraulic-motive purposes; I think so; I know of nothing to the contrary. Of course, it takes some time to educate the people to a new system. We are very fond of carrying on old methods, if possible, and many people would continue to work on the old system rather than have a change.

82. Would it be disadvantageous to the Corporation if there were two Bills of this kind passed in the city of Sydney? Unless both Bills gave the same powers it would be disadvantageous to the citizens, because, unless we had the same power as is contained in this Bill, it would be unfair to the citizens; because, if I remember rightly, the other Bill gives power to the company to cut up the streets at any time without consulting the Corporation. That would be a most unfair thing to the people—that the streets on which they have spent so many hundreds of thousands of pounds should be cut up without their being consulted in any way. I think it would be most unfair to the citizens to allow that to be carried out. Otherwise, the Corporation do not care how many Bills you have if you give the proper protection.

83. But it would be a greater benefit to have one Bill than to have two? I should think so.

84. *Mr. Creer.*] Is it proposed under this Bill that the city and suburban municipalities shall participate in the profits of the undertaking? Yes; a certain amount will be laid aside to help them to purchase after a number of years.

85. Would they participate in any way in the profits of the undertaking under No. 1 Bill? No. 1 Bill has been improved to this extent—that the Corporation get 10 per cent.; that after the company's 10 per cent. is deducted from the profits, the residue shall be divided between the Corporation and the company. The difficulty would be in ascertaining when they had made more than 10 per cent.

86. No. 1 Bill gives the company power to break up the streets without consulting the Corporation? Yes.

87. Under this Bill, on the other hand, the company must seek permission previous to doing anything? Yes.

88. You are aware that there are a number of small engines used throughout the city for various motive-power purposes? Yes.

89. If this hydraulic system came into operation they could be dispensed with? Yes.

90. And, from your experience, you may be able to say which would be the safer, the hydraulic system or the other? The hydraulic system is decidedly the safer of the two.

91. Are you aware whether the charge for the use of power under this Bill is less or greater than the charge sought to be imposed under No. 1 Bill? No; I cannot say. I did not know that there was any charge specified in the first Bill.

92. *Chairman.*] Are you not mistaken in saying that No. 1 Bill gave the Council no voice in regard to the breaking up of streets? I spoke of No. 1 Bill as it was before the City Council.

93. That Bill states that the company must give seven clear days' notice to the Council or Corporation before proceeding to break up any of the streets, and section 12 says, "No such street, sewer, drain, or tunnel.

tunnel shall, except in cases of emergency as aforesaid, and except as hereinafter provided, be opened or broken up except under the superintendence of the local authority having the management or control thereof or its officer?" Quite so. Superintendence has nothing at all to do with it. It has nothing to do with the power of breaking up the street. They might go and break up our streets, and all that we could do would be to get a man to superintend.

M. Chapman,
Esq.
16 May, 1888.

94. *Mr. Creer.*] In part one there is power to pass by-laws regulating the whole affair, but the Council have no voice whatever in these by-laws? No.

95. There is power given to the company to pass by-laws independent of any other power, and, as an old Alderman, do you not think it would be advisable that such by-laws should be submitted to the Council or some other power before becoming law? They ought to be approved of by the Executive Council.

96. *Chairman.*] I understand that both No. 1 Bill and No. 2 Bill were before the Corporation for their consideration at the same time? Yes.

97. And what did they do with regard to the two Bills? They adopted what we call No. 2 Bill, because all the provisions were in that that were left out of the other—that is, provisions for the security of the city.

98. But those provisions were not in No. 1 Bill? No; they were struck out.

99. *Mr. Frank Farnell.*] They were not struck out by the Council? No; they were not contained in the Bill in the first instance.

100. *Chairman.*] Do you think it would be necessary to summon the Mayor to give evidence with regard to this Bill? I do not think so, because the Bill the Committee now has before it was the Bill approved of by the Corporation. It bears the endorsement "approved," signed by the Mayor, whose signature I can swear to.

George Swinburne, Esq., called in, sworn, and examined:—

101. *Chairman.*] What is your profession? I am a civil engineer.

102. Of Sydney or Melbourne? We were established in London, but lately we opened a branch in Melbourne, as we were asked to undertake the engineering of the hydraulic-power company now formed there.

G.
Swinburne,
Esq.
16 May, 1888.

103. There is a company formed in Melbourne for this purpose? Yes; an Act of Parliament has been obtained there.

104. Has the Act been passed through Parliament? Yes; it was passed through last November.

105. Have you had any practical experience with regard to hydraulic power? Yes.

106. Where have you seen the system at work? In England, in Melbourne, and on the Continent of Europe.

107. Is it in working order now in Melbourne? There are several separate installations in working order there, but the operations of the company have not come into effect yet. There has not been time to carry out all the necessary works.

108. This hydraulic-power system is in full operation in London and in other parts of the world? Yes. In London they supply the public. They have a general public supply there, and also in Liverpool and Hull.

109. You are aware that a Bill is now before this Parliament for the purpose of giving a company power to bring this hydraulic system into operation in Sydney and suburbs? Yes.

110. Are you one of the company? I am one of the company. I am a member of the firm of J. Coates & Company, which comprises John Coates, C. R. Lee, and myself.

111. You have had some experience with regard to the operation of this hydraulic-pressure system;—did you ever know of any accident to occur from the bursting of pipes, or anything of that sort? No; I never knew of any accident occurring in that way.

112. In the places where you have seen the system in operation, was the power generally used by the people? Wherever it has been brought into use it has never been thrown aside, and it is rapidly superseding all other motive-powers in London for lifting and hoisting and for crane work, and it has been used to work dynamos for the electric light, and it will soon be adopted for all sorts of motive-power.

113. It can be applied, I suppose, to almost any purpose where power is required? Yes. It could be applied in the place of any steam-engine by using a turbine, or what they call a hydraulic engine, which is really something similar to a steam-engine, with the difference that you use water instead of steam. In America I believe they have large factories—tailoring factories—where they employ a great number of sewing machines, all working just by turbines; there is no steam motive-power at all.

114. It can be applied even to such a small machine as a sewing machine? Yes.

115. And does it work well? Yes, and very smoothly. There is no noise attached to it. You simply have a turbine by the side of the sewing machine, and a water-pipe going up to the turbine, and by turning the tap you set the machine going, and by turning the tap off you stop the machine.

116. I suppose it displaces steam with regard to all these stationary works? It can displace steam for all kinds of motive-power.

117. And be equally as servicable? Oh, yes; without the danger of having boilers or anything of that kind about the premises.

118. Do you think it would be useful in the city of Sydney? Yes, I think so.

119. For lifts, and for raising goods to high parts of buildings, and taking passengers up and down? Yes. It would enable warehouses and hotels to be built much higher than they are at present, and would do away with the nuisance of having gas-engines and boilers on the premises, which is very disagreeable in hotels.

120. In your experience, have you ever known any of these lifts to break, or any accident to occur? I never knew of any such accident in connection with a public supply; but I have known individual cases where people have had their own installations, and the chains have broken. But the cages are generally provided with safety catches, which stop the cage in its downward course as soon as the chain breaks.

121. Then any accidents must occur through carelessness—through passengers placing their bodies in dangerous positions? Yes.

122. The same as in the case of a railway, where there is no danger except through the careless or wilful action of the person? Exactly. It would simply be through carelessness that anything would occur in that way.

G.
Swinburne,
Esq.
16 May, 1888.

123. Is this system very useful for putting out fires? Yes. It is now being applied extensively in England to that purpose. It is not used by itself for putting out fires, but in conjunction with the town supply. Of course, water at 700 pounds pressure, if let off out of a pipe or jet, would immediately disperse into spray. The pressure is too great. Therefore it would be no use in extinguishing fires. But if applied to the water mains just the same as an injector, this high pressure rushes up the pipe and creates a vacuum on the low-pressure main, and thus draws the water after it at a very great speed, and it will deliver 150 gallons of water 80 feet high a minute. That is in conjunction with the water-supply main. The water-supply main by itself would only deliver water 20 or 30 feet high. The pressure under the hydraulic system is 700 pounds to the square inch.

124. I suppose the pipes are specially made for the purpose? Yes.

125. Did you ever know any of them to burst? No. They are specially constructed, and have no seams such as are found in ordinary pipes, and even in wrought-iron pipes, and no seams like the plating of a boiler.

126. I suppose the water-power would be supplied by meter? Yes; in the same way that gas is supplied at the present time. The pipes would be laid up the street, and services taken off. I may say that in connection with the services a 2-inch pipe is generally used, taken from the mains, but that is generally reduced to a three-quarter pipe at the machine. A $\frac{3}{4}$ -inch pipe is all that is necessary in connection with a lift that will raise 30 cwt.

127. Then no one need pay for any more water than runs through the meter? They only pay for what they use.

128. Have you any idea as to the charge per 1,000 gallons? The maximum charge we applied for is 12s. 6d. per 1,000 gallons, but that is simply a maximum charge in connection with small consumers. The charge I think that will be paid in Sydney by large consumers will be about 3s. 6d. per 1,000 gallons. In London the water-power is supplied at prices ranging from 2s. and 2s. 6d. per 1,000 gallons up to 9s. and 10s. per 1,000 gallons, according to the magnitude of the consumer.

129. This would be far cheaper than the present rate paid in connection with gas-engines? Yes; just in the same way that managing one large system is always cheaper than having a great many small systems. An installation of three or four lifts will take one man to look after it, whereas one man can look after all the machinery of the Hydraulic Power Company alone.

130. How is it proposed to get the water here; is it proposed to use saltwater or fresh water? If the Sewerage Commissioners would allow us to use water from the bay, we would use that water to save expense in laying the mains. I may say that from my investigations I find that saltwater is of greater specific gravity than fresh water, and that there is generally about 3 inches of fresh water floating on the top of saltwater. The fresh water coming down the rivers floats on top, and by having a floating pump we would be able to get a constant supply of fresh water.

131. Do you mean to empty the exhaust water into the sewers? If it were agreeable to the Sewerage Commissioners; but, if not, we would use return mains, and let all the water gravitate back to our pumping station. That would mean a double set of pipes, and the expenditure of a great deal more capital; and I think the proposal I made at first would be a great advantage to the Commissioners, because they would have a large quantity of water with which to flush their sewers.

132. But if the Commissioners refuse permission to send the exhaust water into the sewers if it were saltwater, and would give you permission if it were fresh water, which would you use? We should use fresh water, certainly. We would rather use fresh water from the bay, and allow it afterwards to go into the sewers; but if permission will not be granted for the saltwater or the fresh water from the bay to go into the sewers, then we shall have to put down mains to return the water to the pumping station, and use it over again.

133. You speak of fresh water from the bay;—what bay do you mean? I mean the bay down at Circular Quay.

134. Do you say that there are 2 or 3 inches of fresh water on top of the saltwater? Yes; as a rule there are.

135. Can fresh water be taken off without some saltwater going with it? Yes, I think so, by having a float on the top of the water. A certain quantity of saltwater might come off along with it, but a very small quantity, because saltwater is of so much greater specific gravity than fresh water, and it sinks to the bottom, while fresh water floats on the top. We shall work in conjunction with the Commissioners in respect to this matter. In London they pump the water from the Thames, and it goes into the sewers. They have no return mains there.

136. I suppose almost any weight could be elevated by means of this hydraulic power? Yes, any weight you like; there is no limit.

137. *Mr. Creer.*] Then hydraulic power is much cheaper than steam? Oh, yes.

138. And safer? Yes.

139. Could it easily be applied to the small manufactories in Sydney? Quite well. It would save a great deal of room on the premises.

140. Where does the pressure come from in Melbourne which is used in connection with the lifts and warehouses? In some cases it comes from the Yan Yean, from the water-mains laid in the streets; but in most cases the different warehouses have their own engines and pumping plant on the premises. Perhaps the Committee may know that at the Eveleigh workshops they are working this hydraulic system up to a pressure of 1,500 pounds to the square inch.

141. Have you ever seen the hydraulic cranes at Bullock Island, near Newcastle? Yes; they have a fine installation there. I may say that all the principal docks in England are fitted up with these hydraulic cranes.

142. *Chairman.*] Do the companies in England work under any Parliamentary authority? Yes; they all have Acts of Parliament.

143. Have you seen these Acts of Parliament? I have seen some of them. I have seen the Liverpool Act; and I know a good deal about them.

144. In those Acts, is there any limit placed to the amount of interest which the shareholders may derive from the capital invested? I think that in the Liverpool Act they limit the dividends, and the Corporation also have power to buy the concern at the end of thirty years.

145. To what amount have they limited the dividends to the shareholders? I think the Liverpool Act limits the dividends to 6 per cent.

G.
Swinburne,
Esq.

16 May, 1888.

146. And if the profits are more than 6 per cent. the company has to reduce the price to the consumer? Yes.
147. Do you think it would be advisable to adopt a similar system here? As far as my experience goes, it seems more advisable to put a premium, as it were, upon the opening of the streets, and not to limit the dividends. I may say that in Victoria there was a great discussion on that point. At first the Act was passed to limit the dividend of the company to 12½ per cent. A new proposal was made, which would give the Corporation a bonus of 2½ per cent. on the called-up capital, and do away with the limitation of the dividends. The Parliament thought this latter proposal the more advisable one. It was on a similar basis to what was passed in connection with the Tramways Act.
148. Then, in this Bill under consideration there is no limit to the dividend that may be paid to the shareholders? No.
149. But there is a certain amount of money to go to the Corporation? There is a bonus, as it were, for the privilege of opening the streets.
150. Is the bonus on the amount of the profits, or on the amount of the capital expended? On the amount of the capital we expend—the paid-up capital.
151. You pay so much bonus to the Corporation for the right of breaking up the streets? Yes.
152. And then you make due provision at your own expense to repair the streets thoroughly after you have broken them up? Yes. That is already provided for in the Bill. We have to keep the streets in repair for, I think, twelve months after the pipes are laid. If there is any subsidence in the streets, we must put it all right again.
153. Are you aware whether or not this Bill was before the Corporation of Sydney? Yes, it was. Mr. Coates introduced the matter to the Corporation of Sydney two years ago, in June, 1886.
154. But was this present Bill before the Corporation of Sydney for their consideration? Yes.
155. And what was the conclusion to which they arrived? They approved of the clauses in the Bill, and said it would fit in with what their ideas were, that everything seemed to be provided for in the Bill in connection with the Corporation, and that they did not see any reason to oppose it, but would give it their support.
156. And the Corporation are thoroughly satisfied to allow this Bill to pass through Parliament and become law, so far as you know? Yes.
157. *Mr. Frank Farnell.*] Can you produce any correspondence which you have had with the Municipal Council of Sydney? Yes. I have brought with me all the correspondence we had with the Sydney Corporation, and also with Messrs. Parrott and Cameron, who wrote to us asking us why we were writing to the Sydney Corporation. It was explained to them that we had been in correspondence with the City Corporation for about eighteen months before we received their letter.
158. Do you hand in that correspondence to the Committee? Yes. [*Vide Appendix.*]
159. *Chairman.*] Are you aware that certain correspondence took place between Mr. Parrott and your company? Yes. That is included in the correspondence I have just handed in to the Committee.
160. Did you conduct all that correspondence? Yes.
161. The other company made certain proposals to your company? When I was in correspondence with the Corporation they wrote to me, and asked why we were writing to the Corporation on the hydraulic scheme, as they already had a proposal before the Corporation. I wrote back to say that we had been in correspondence with the Corporation on the question since June, 1886, and explained to them that it would be impossible for us to withdraw our proposal from the Council.
162. Do you know Mr. Gardiner? Yes; I came to Sydney and saw Mr. Gardiner, and explained to him—he being the Chairman of the company—what we had already done, and I showed him a copy of the letters we had written to the Council.
163. Do you know the promoters of the Sydney Hydraulic Power Company? The only promoters I have seen are Messrs. Parrott and Cameron, and Mr. Gardiner. I saw Mr. Parrott and Mr. Gardiner when I was in Sydney.
164. Do you know anything about this statement, made by Mr. Gardiner in his evidence before the Committee on the Sydney Hydraulic Power Company's Bill:—"Coates & Company told us very distinctly that unless we did certain things, which they did not exactly describe, they would bring certain power, which they said they had in the Council as well as in the Parliament, to bear against our Bill"? No; I never said anything of the kind. All that I said is contained in the letter that I wrote to Messrs. Parrott and Cameron. I merely said that, as we had already been in correspondence with the Corporation, we must pursue the proposal we had initiated. In my letter to Messrs. Parrott and Cameron I said, "We may say that we do not require the assistance of the London Company in any way, and as several members of the Sydney Legislature are supporting us, we have written to them, explaining how matters stand." That is all I said. Mr. Coates saw Mr. Riley, the then Mayor, who was very pleased with the whole scheme, and said that as far as he was concerned the Council would be very glad to give it all the support it possibly could.
165. Supposing this Bill passes, where do you intend to get the pipes from and the ironwork necessary for carrying out this undertaking? We intend to get everything made here. I have heard that someone in connection with Messrs. Parrott and Cameron and the other company has said that we are merely promoting this Bill, and would not give it up because we wanted the manufacturing of all the work. I should like most emphatically to deny any such thought on our part. We are not manufacturers. We do not employ a man to manufacture in any way, and we are not connected with any firm of manufacturers. We are merely consulting engineers, and as far as we are concerned everything will be thrown open to public competition, and, as we are quite able to draw specifications and plans for all that we want, we intend to get everything made here.
166. If this Bill passes through Parliament, how long will it take you before you have this hydraulic system in working order in the city of Sydney? We can do it within about twelve months.
167. Would that be to supply the main streets? Possibly the main streets. We could lay several miles of pipes within that time, and have the pumping engines and plant in full working order to supply power to the public.
168. You could do this within twelve months? Yes.

THURSDAY, 17 MAY, 1888.

Present:—

MR. CARRUTHERS,
MR. CREER,MR. DAY,
MR. FRANK FARNELL,

MR. MELVILLE.

J. N. BRUNKER, Esq., IN THE CHAIR.

John Harris, Esq., called in, sworn, and examined:—

J. Harris,
Esq.
17 May, 1888.

169. *Chairman.*] You are the Mayor of Sydney? Yes.
170. You have examined No. 1 and No. 2 Bills referring to the supply of hydraulic power? Yes.
171. The Bill now before us is one of those Bills? Yes. We had No. 1 and No. 2 Bills before us, and compared them. We started on No. 1 Bill, and when we got to a certain point in No. 1 we found that it did not go far enough, and we then took up No. 2.
172. You mean to say that the Council approved of No. 2? Yes. A special meeting was called for the consideration of the two Bills.
173. Are you of opinion that the enactment will prove of great advantage to the citizens generally? Yes, I believe so.
174. *Mr. Frank Farnell.*] You are not satisfied with the provisions contained in No. 1 Bill? No; they do not go far enough.
175. It does not provide that the Council should have the requisite supervision? No.
176. I understand that No. 2 Bill gives that power? Yes. And I may say that No. 1 Bill, as sent to us for consideration, is not the Bill before the House. No. 2 Bill is, I think, if possible, even more liberal than the Melbourne Act.
177. *Mr. Day.*] Are you aware of the names of the promoters of No. 2 Bill? I think Coates & Company.
178. Do I understand that the Bill goes nearer to meeting the views of the Corporation of Sydney than No. 1 Bill? Yes. Some of the Aldermen think that the Council ought to have a Bill for themselves, and they unanimously adopted No. 2 Bill as being the more liberal of these two.
179. I understand that No. 2 Bill gives the Council greater power over the breaking up of the roads than No. 1 Bill? Yes; it gives us more notice. No. 1 Bill provides for three months keeping in repair, and this Bill provides for twelve months, and all the work is to be done under the supervision of the Council's officers, which means a great deal.
180. I believe that there is a provision in No. 2 Bill which provides that $2\frac{1}{2}$ per cent. upon the paid up capital shall be devoted to a sinking fund, and that the Council may purchase the property at a certain time? Yes.
181. Is there any provision of that kind in the other Bill? No. The first Bill, as far as I could see, was similar to the Melbourne Bill, with this exception, that all the provisions beneficial to the city were eliminated. These are contained in No. 2 Bill.
182. No. 1 Bill, I believe, gave the Council half the profits after the company had taken a 10 per cent. dividend? Yes.
183. It is absolutely necessary that the Corporation should have the supreme control over the streets of the city of Sydney? I think we ought to have.
184. They are responsible for keeping the streets in repair, and I suppose you consider that the streets ought not to be broken up without their consent? Yes; if the clay is only shovelled in it will sink. We require it to be well rammed down, and to have the concrete put on in a proper manner.
185. I suppose you find considerable difficulty in dealing with the Gas Company of Sydney in making up the street after they have been laying down their pipes? It has been a source of trouble ever since I have been in the Council.
186. I suppose that has been a warning to you not to give the privilege to anyone else? Yes.
187. After considering the whole matter, you think that this Bill will be a general advantage to the whole of the people of Sydney? Yes.
188. Have any amendments been introduced at the instance of the City Council? Yes; making the provisions of the Bill still more liberal.
189. You deem those amendments desirable in the interests of the citizens? Yes.
190. *Mr. Creer.*] The maximum charge is 12s. 6d. per 1,000 gallons? Yes.
191. There is no clause in the Bill limiting the amount of dividends which may be declared? No.
192. The company may continue to charge what rate they like, making, it may be, enormous profits? Yes.
193. Do you not think it would be well to limit the dividends of the company with a view to the reduction of the price charged for the pressure? I think it would be well if the power you speak of were in the Bill, if it is not already in it.
194. Is there no complaint at the present time as to the charges made by the present Gas Company? Oh, yes; we ourselves have complained very much.

APPENDIX.

[To Evidence of G. Swinburne.]

CORRESPONDENCE on the question of hydraulic power between The Sydney Corporation, Wm. Gardiner, Esq., Messrs. Parrott and Cameron, and Messrs. J. Coates & Company.

The Town Clerk, Sydney,—
Sir,

8, Collins-street East, Melbourne, 13 November, 1886.

We have the honor to address your Council, through you, on behalf of the company which is being formed for the purpose of supplying hydraulic power, or what is known as the high-pressure system, for public use in the city of Sydney.

Our immediate object is to make the advantages of the system known to the Council, for if we succeed in doing that we shall not fail to secure their approval of it, and their desire for its local application.

We may say briefly, by way of explanation, that the system is in active and most satisfactory operation in London, Liverpool, Hull, &c., and is highly appreciated by the public and by the local authorities. Its object is the supply of hydraulic power for the discharge of ships' cargoes, the raising of heavy substances into warehouses, stores, &c., the working of machines, lifts, and cranes, and the extinction of large fires.

These

These advantages and a very brief explanation of the system are summarized in the leaflets which we take the liberty of enclosing for the use of the Members of the Council.

With a view to its application to Sydney, the approval of the Council is sought, followed by their consent to the laying down of the necessary mains from the central pumping station to the streets in which the power will be supplied, all of which of course is proposed to be done under the superintendence of the City Surveyor, and only in such way as he shall approve. It will not necessitate the breaking up of the wood pavements, as the pipes can be laid under the footpaths, and that in short sections at a time, and chiefly during the night, so as to interfere to the slightest possible extent and for the shortest period with the traffic.

In London, although the system has been carried into all the principal business streets, and into nearly all the large hotels, the interruption of traffic has been scarcely perceptible, no complaint whatever has been made, and comparatively few people have known that any such work was being done.

With a view to its application to Melbourne, a company has been formed by a few of the leading business men, and a Bill is now before the Victorian Parliament for conferring on the company all necessary powers. This was considered necessary, because of the limited area of the city proper, and the number of the surrounding municipalities into which the company's operations will extend.

A committee of the Melbourne City Council is, however, watching the progress of the Bill, not, however, to oppose, but to facilitate its passing (guarded by all proper precautions), and we have every reason to expect that the Bill will become law before the close of the session.

It does not appear to us that there is any necessity for an Act of Parliament to admit of its application to Sydney.

There would be no occasion to go beyond the limits of the city proper, and there would be no desire to do anything of which the Council would not thoroughly approve.

The Council have, we respectfully submit, ample control of the streets, and the company would be prepared to enter into any contract or give any guarantee the Council might require for the due observance of the Council's directions. The permission of the Council seems therefore to supply all that is needful; but if it should seem to the Council, or their advisers, that we are mistaken in this view, and that for any reason not now apparent to us, legislative powers should be procured, the company will be prepared to proceed with that view, if assured that the Council, whilst reserving for itself full liberty of action, with the view of securing all needful precautions, will sanction and encourage the principle of the Bill.

We therefore beg that, at an early opportunity, this letter may be laid before the Council for consideration, and if there is any further explanation we can give to you or to the Council, or to any committee to which the matter may be referred, we shall be happy to do so, either by letter or a personal visit.

We have, &c.,
J. COATES & CO.

P.S.—If references are necessary, we shall be pleased to send the very best from this city, or to Messrs. McArthur & Co., Sydney.

H. J. Daniels, Esq., Town Clerk, Sydney,—

8, Collins-street East, Melbourne, 7 January, 1888.

Dear Sir,

We have the honor to again address you in reference to our letter of the 13th November, 1886, concerning the proposal we then made of supplying Sydney with hydraulic power on the high-pressure system, similar to that we are now carrying out in Melbourne, and largely used for the working of lifts, cranes, wool-presses, and motive-power.

As we have engineered this scheme in several parts of the world, we feel that we could well justify the confidence that you would place in us by giving us the favour of your support in Parliament to secure the necessary power.

We have carried out similar projects in London, Hull, Lynn, Bristol, Manchester, Newcastle-on-Tyne, Great Eastern Railway, Great Western Railway, South-Eastern Railway, Amsterdam, Buenos Ayres, South America, &c.

We have erected a large plant in Melbourne, and have the reticulation of the streets in hand, for a public and general supply of water-power for lifts, extinguishing fires, &c., the Government having granted us a special Act of Parliament for that purpose.

We were urged to undertake the initiation of the scheme, and to ask for the support of your Council by several Sydney gentlemen interested in city property, as the ordinary water supply is not always available.

We especially would mention the fact of the application of the high pressure to the extinction of fires, which, in conjunction with the ordinary supply, will deliver 250 gallons per minute 100 feet high, thus securing a greater safety to property, impossible with the low pressure of ordinary supply.

Trusting that your Council will favour our application,—

We have, &c.,
J. COATES & CO.,
Per G. J. BOUDRY.

P.S.—We would also mention that we are at present engaged with a large and extensive scheme of hydraulic machinery for the Wellington Harbour Board, N.Z.—J.C. & Co., per G.J.B.

Messrs. Wm. Gardiner & Co., Sydney,—

8, Collins-street East, Melbourne, 22 December, 1887.

Dear Sirs,

I understand you are interesting yourselves in the formation of a Hydraulic Power Co. for Sydney, and have received cables from our London House and Messrs. Waygood asking me to help you all I can. I have just completed the Melbourne Bill in Parliament, and it was signed by the Governor last Saturday. In November last year we applied to the Sydney Corporation for leave to open streets, and asking them to lend their influence to the passing of a Bill to initiate the hydraulic system. We have not done anything further, owing to the Melbourne scheme having taken up so much of my time.

I was rather surprised to hear when I was in Sydney last month that we were being forestalled, and believe Mr. Paling is connected with your company proposed. I was taking steps to introduce our own scheme, and am in correspondence with friends in Sydney on the matter.

However, I was pleased to receive cables from Home, and will do all I can to assist you in forwarding the scheme on receipt of particulars. I am leaving for Tasmania to-day, but return next Friday, and will be glad to hear from you.

I am, &c.,
GEO. SWINBURNE.
Sydney, 28 December, 1887.

Messrs. J. Coates & Co.,—

Dear Sirs,

Thank you for yours of 22nd instant, which I have handed to Messrs Parrott and Cameron, engineers for the Sydney Power Co.

Yours truly,
W. GARDINER.
118, Pitt-street, Sydney, 16 January, 1888.

Hydraulic Power for Sydney.

John Coates, Esq., Planet Chambers, 8, Collins-street East, Melbourne,—

Dear Sir,

In the work of pushing forward our scheme for supplying Sydney with hydraulic power we have several times lately had brought under our notice letters from your firm in Melbourne.

The first occasion was a few days ago, when a letter from yourself to the City Council was before that body.

This is causing some confusion, and the Council is asking whether two companies are seeking the same power from the Legislature.

Your action has no doubt been taken in ignorance of what has been done in Sydney.

A strong provisional Committee of leading Sydney citizens was formed here months ago, who instructed our Mr. Parrott to proceed to England to collect information bearing on the question of power supply, and to endeavour to make terms with the London Company to assist in carrying out the installation for Sydney.

All this work was successfully accomplished by our Mr. Parrott, and we are now only awaiting the passage of the Bill which is before the House to at once commence the work of installation.

We shall be glad to supply you with any further information of our progress, and are thankful for the good wishes you express for the success of the undertaking in your letter to Mr. W. Gardiner, who is Chairman of the Sydney Company.

We are, &c.,
PARROTT & CAMERON.
Messrs.

Messrs. Parrott & Cameron, 118, Pitt-street, Sydney,—

8, Collins-street East, Melbourne, 19 January, 1888.

Dear Sirs,

Yours of the 16th January to hand, and must express our surprise at its contents.

We wrote to Mr. Gardiner, who said he had referred our letter to you, and have been struck with the studied silence which followed it.

In November, 1886, we made application to the Town Council on behalf of our Sydney friends, and not hearing anything further of our suggestion to work in conjunction with you, pursued our original intention, and wrote to the Council on the subject of our former application.

We know that no one had spoken of the matter in Sydney before we wrote, and but for the purpose of putting one scheme into a proper form, so as to have the best model to work upon, we should have carried out the scheme before now in Sydney.

We think it would have been more courteous if, instead of waiting till we wrote to the Council, you had replied to our letter to Mr. Gardiner.

Those are the only letters that you refer to.

We may say that we do not require the assistance of the London Company in any way, and as several Members of the Sydney Legislature are supporting us, we have written to them explaining how matters stand.

When I was in Sydney last I heard that a move was being made to copy our Melbourne project, but could not hear that any copy was registered.

We have carried out several plants already in various parts of England, Europe, America, &c.

We are, &c.,

J. COATES & CO.

118, Pitt-street, Sydney, 21 January, 1888.

Messrs. J. Coates & Co., Planet Chambers, 8, Collins-street East, Melbourne,—

Dear Sirs,

We are much surprised at reading the contents of your letter of 19th instant, which we will reply to in detail.

You mention that you wrote a letter to Mr. Gardiner, that you received a reply from that gentleman, stating that he had sent your letter to us, and that you are astonished at our "studied silence" in respect to this letter.

In respect to this we have only to state that we communicated with Mr. Gardiner in reference to this letter, and he told us he had replied to it.

Your next paragraph points out that you brought this question of hydraulic-power supply under the notice of the City Council in November, 1886.

In April the same year (you will notice eight months prior to the date mentioned in your letter) we took the initiatory steps for introducing a power supply to the city of Sydney.

A month later we had a strong committee of the leading citizens formed, and in June our Mr. Parrott was sent to England for the purpose of entering into negotiations for securing the most efficient installation.

At the time you mention as having brought your proposals forward (of the nature of which we are entirely ignorant) the negotiations in England were practically completed.

In this same paragraph of your letter are the following words: "And not hearing anything further of our suggestion to work in conjunction with you—"

We must ask you to accept our assurance that your letter of the 19th instant is the first communication we have ever had from you, and it was only on receipt of that letter, coupled with the letter sent to us from Mr. Gardiner, that we became aware you were interested in the introduction of a power scheme in Melbourne.

In the next paragraph you say, "We know that no one had spoken of the matter in Sydney before we wrote, &c."

You will see by what we have just stated that this is not correct, as we commenced our movements in April, 1886, and they have been continued with vigour up to the present date.

Your next paragraph charges us with a want of courtesy.

This must have been written hastily, as you must see from what we have already stated that we were not in any way aware that any steps had been taken in Sydney in this matter by a Melbourne firm; and with regard to Mr. Gardiner's letter, we took the trouble to see him, to ask him if we should reply to it, and he told us he had done so himself.

With regard to your next paragraph, referring to the assistance of the London Company, and your intention to communicate with certain Members of our Legislature, we have nothing to say.

Finally, you say when you were last in Sydney you heard that a move was being made to copy your Melbourne project.

We know nothing of any such move, and, so far as we are concerned, we do not know what the features of the Melbourne project may be.

We are, &c.,

PARROTT & CAMERON.

Messrs. Parrott & Cameron, Sydney,—

8, Collins-street East, Melbourne, 26 January, 1888.

Dear Sirs,

Yours of the 21st to hand. Our hasty remarks were based upon the expectation of a reply to our first letter, and we have always thought it strange that you did not write. But as we never heard of any other firm preparing to undertake the supply of hydraulic power to the public of Sydney, we naturally pressed our claim; and having already spent considerable time and money over the scheme, along with our friends, we do not feel justified in surrendering our claim, and shall certainly oppose any connection between the Hydraulic Power Company of London and Sydney.

Continual references have been made in all the journals to our Melbourne project, which is now all definitely settled and arranged.

Mr. Swinburne will be in Sydney on or about the 4th February, and will perhaps give you a call, if you wish it.

We are, &c.,

J. COATES & CO.

118, Pitt-street, Sydney, 30 January, 1888.

Messrs. J. Coates & Co., Planet Chambers, 8, Collins-street East, Melbourne,—

Dear Sirs,

Your favour of the 26th instant is to hand, and we still find your remarks difficult of interpretation.

You say you have always thought it strange that you did not get a reply to your first letter. We never received any letter from you until the one dated 19th instant, to which we replied on 21st idem.

You state that you have spent considerable time and money in the furtherance of the scheme for Sydney.

We also have spent considerable sums of money (including the cost of a trip to Europe), and have unceasingly applied ourselves to the working up of our proposals, made in April, 1886, and find it difficult to understand how these labours should have escaped your notice.

We note your remark that you will oppose any connection between the Hydraulic Power Company of London and Sydney.

We shall be glad to receive a visit from Mr. Swinburne, if it is his wish to call and see us.

We are, &c.,

PARROTT & CAMERON.

1887.

(THIRD SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

VICTORIAN COAL-MINING COMPANY'S
EXTENSION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
1st December, 1887.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.

(THIRD SESSION.)

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 34. TUESDAY, 29 NOVEMBER, 1887.

4. VICTORIAN COAL-MINING COMPANY'S EXTENSION BILL (*Formal Motion*):—Mr. Barbour moved, pursuant to Notice,—
- (1.) That the Victorian Coal-mining Company's Extension Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Sutherland, Mr. Allen, Mr. Jones, Mr. Cameron, Mr. Stokes, Mr. Colls, Mr. Day, Mr. Gormly, Mr. Hawthorne, and the Mover.
- Question put and passed.
-

VOTES No. 36. THURSDAY, 1 DECEMBER, 1887.

9. VICTORIAN COAL-MINING COMPANY'S EXTENSION BILL:—Mr. Barbour, 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 consideration and report this Bill was referred on 29th November, 1887, together with a copy of the Bill, as agreed to by the Committee.
- Ordered to be printed.
-

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1887.
(THIRD SESSION.)

VICTORIAN COAL-MINING COMPANY'S EXTENSION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 29th November, 1887, the "*Victorian Coal-mining Company's Extension Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose * See list, p. 4 evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

ROBT. BARBOUR,
Chairman.

*No. 3 Committee Room,
Sydney, 1 December, 1887.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 1 DECEMBER, 1887.

MEMBERS PRESENT:—

Mr. Barbour,		Mr. Gormly,
Mr. Colls,		Mr. Day,
	Mr. Jones.	

Mr. Barbour called to the Chair.
 Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.
 Printed copies of the Bill *referred* together with the original Petition to introduce the same, before the Committee.

Present:—John A. Aitken, Esq. (*Solicitor for the Bill*).

John A. Aitken, Esq., sworn and examined.

Thomas Saywell, Esq. (*Promoter*), called in, sworn, and examined.

Room cleared.

Preamble considered.

Question, "That this Preamble stand part of the Bill," put and passed.

Solicitor called in and informed.

Bill read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

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1887.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

VICTORIAN COAL-MINING COMPANY'S EXTENSION BILL.

THURSDAY, 1 DECEMBER, 1887.

Present:—

MR. BARBOUR,
MR. COLLS,

MR. JONES.

MR. DAY,
MR. GORMLY,

R. BARBOUR, ESQ., IN THE CHAIR.

Jno. A. Aitken, Esq., appeared for the promoters of the Bill.

John Archibald Aitken, Esq., sworn, and examined:—

1. *Chairman.*] You are solicitor for this Bill? I am.
2. Was there an Act passed to authorise the construction and maintenance of this line of railway from land at Mount Kembla to the sea-coast at Port Kembla, near Wollongong? Yes; that Act was assented to on the 29th August, 1884. It is cited as the "Victorian Coal-mining Company's Act of 1884."
3. Was anything done with regard to the construction of this railway? Oh, yes. There was a good deal of money expended. Mr. Saywell will state the exact figures, but I believe it is something approaching £4,000. The surveys were taken out, and the levels taken for the engineering portion of the work, a lot of fencing done, and part of the jetty erected.
4. But something interfered to prevent its being fully carried out within the time? Yes. There were three years to carry it out under section 1 of the Act. The main reason for its not being carried out was that, owing to the depressed state of the money market, it was not expedient or practicable to float a coal-mining company then, which, from very favourable communications which have been received from Home, I believe will now be done within a short period.
5. There is every reason to believe that it will be floated within a short period? Yes. Mr. Saywell is the only proprietor, as stated in the original Act. He is referred to as "Thomas Saywell, of Sydney, merchant, trading as the Victorian Coal-mining Company." Mr. Saywell has not assigned his interest.
6. And he is now intending to carry the matter through? Yes.
7. Do you know of any objections to the extension of the time? No; none at all. The main persons who were objecting to the original Act were the Wentworths, but they are still, to my knowledge, willing to carry out the original agreement, which is embodied in the Act, and which will be revived by the Bill we are seeking now to obtain.
8. Do you know any reason why it was not applied for before the third year had expired? We did apply for an Act to continue it, but, owing to the Session closing so suddenly, the Bill fell through. The advertisements were in, and the Bill drawn, but the Session closing, we had not time to get the Bill through. We were applying for an Act which would be different from this, because we were applying for an Act before the time expired to continue it. This is an Act to revive the Bill. Owing to the proviso in section 1 of the original Act, the third year having expired, it is necessary to get a Bill to revive it.
9. Does counsel advise then that this step is necessary? Yes.
10. And if this step is taken it will be restored? Yes.
11. And there is no objection you know of to prevent it? No.
12. *Mr. Day.*] Have you had any conversation or opened any communication with the Wentworths about it? With their solicitor, Mr. Barker.
13. I am speaking with regard to this Bill? Yes.
14. And what did they say? They are prepared to let it go on under the same terms.
15. Have they no objections? No objections at all.
16. Are the Wentworths the only persons? No; they are the main persons. I was not the solicitor for the original Bill, but when this Bill was passed there was a special agreement entered into with the Messrs. Wentworth, a rather favourable agreement to them, and they are still willing to carry it out.

J. A. Aitken,
Esq.
1 Dec., 1887.

J. A. Aitken, Esq.
1 Dec., 1887. They get a royalty for the coal passing through their land. Mr. Wentworth stated that he was quite willing to let the matter go on under the same agreement, and his attorney here, Mr. Hill, is under his instructions consenting to the matter.

17. Are there many other owners through whose land this railway passes? There are several other owners, but their interest is fully provided for in the Act.

18. None of these have objected, to your knowledge? No.

19. Advertisements have been put in all the papers according to law? Yes; there was a notice in the *Sydney Morning Herald*, in the *Government Gazette*, and in one of the local papers, the *Wollongong Argus*, all of which I have handed over to the Chairman.

20. Do you know whether this Company is likely to be floated before long or not? From the last cablegram they got from Home it is very likely to be floated within a short period. It looks very favourable, as far as we can see. However, Mr. Saywell is going to continue the matter with the intention of getting it floated without delay, and it is now before parties at Home.

Thomas Saywell, Esq., called in, sworn, and examined:—

T. Saywell, Esq.
1 Dec., 1887. 21. *Chairman.*] You are the promoter of this Company? I am.

22. The Victorian Coal-mining Company? Yes.

23. And you have been carrying on business, trading as the Victorian Coal-mining Company? Yes.

24. You wish to restore the Act that was passed some time ago, the time (three years) having expired, and to put it in the same position as it was before? Just to extend the time.

25. Have you done any work under that first Act? Yes, I cleared and fenced and surveyed, and such like, but I found out that it was coming to a very great deal more money than I wished to expend upon the thing, and money has been rather tight these last three years in this market, so I thought to see if I could not do anything in the English market, in which I have very great hopes of succeeding, with extension of time.

26. How much have you expended altogether in round numbers? Between £5,000 and £6,000.

27. *Mr. Day.*] On this line? Yes, with the coal-mine. I think it is over £6,000.

28. *Chairman.*] You have now a prospect of being able to carry it right through without any further delay? I think so.

29. And if you had the Bill restored, and the powers under it granted, you would have no difficulty in carrying it through now? I do not think so.

30. Do you know, of your own knowledge, if anyone is opposed to the extension of time? I do not know of anyone. I have not heard of any.

31. Was not Mr. Wentworth the principal owner? He objected to my last Bill, but he is now quite satisfied.

32. He is now quite satisfied to continue on the same terms? Yes; in fact I got a letter to that effect.

33. And this Bill is to continue the Act that was granted three years ago? Yes.

34. On the same conditions? On the same conditions.

35. So far as you know there is no one opposed to it? Not so far as I know.

36. *Mr. Day.*] What is the length of the line from Port Kembla? About $4\frac{1}{2}$ miles.

37. Four and a half miles to the coal-mine? Yes.

38. The coal-mine has been opened? Yes.

39. And have you taken any coal out of it? Yes.

40. Has the coal been tried? Yes, and found very suitable.

41. Of good quality? Yes. The seam is almost in the Illawarra District all round for miles. It thickens and thins in different places, but the quality is just about the same.

42. Then you are under the belief that you will be able to carry this out if you get an extension of time? I feel confident of that.

43. *Mr. Jones.*] Has the mine been working the last three years? No.

44. Standing idle? Yes.

45. The difficulty is to get capital to work it? It would take more capital than I like to expend. I think what I have expended now shows a little over £6,000.

46. Have you made any arrangement for increasing your capital? Yes; I am making an arrangement in England.

47. You have some prospect of carrying out the intention of this Bill? I have very good prospects.

48. *Mr. Colls.*] Independently of opening the mine, what is the proposed cost of the line? I should think it would cost £10,000 a mile.

49. But what you have expended already. You say you have cleared and fenced. What has that cost you, independently of the mine? I should think clearing and fencing —

50. *Mr. Day.*] And making a jetty? I have not built a jetty there.

51. *Mr. Colls.*] The intended line? Well, I could not say for certain.

52. About? About £1,000.

53. And the remainder has been expended in opening up the mine? Yes; in opening, surveying, and getting levels.

54. *Chairman.*] Has the surveying been on the line? Yes.

55. And is that in addition to the £1,000? Yes. I have expended upwards of £6,000.

56. What Mr. Colls wants to know is how much has been expended on the railway and how much on the mine? I should think three-fourths of it upon the railway.

57. That would be about £4,000? Yes; and the remainder on the mine.

58. *Mr. Day.*] You have all the plans and that ready for the construction of this railway? Yes.

59. You have not provided any rails yet? Not yet.

60. Nor sleepers? Not yet.

61. Are you aware whether this Bill alters in any way the terms and conditions of the original Act? It is only asking for an extension of time.

62. There is no new provision? No new provision that I know of.

63. *Mr. Colls.*] You are satisfied that the landowners are all content? There is no objection.

1887-8.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WEST MAITLAND CATTLE SALE-YARDS BILL,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 *June*, 1888.

*SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1888.

1887-8.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 101. TUESDAY, 12 JUNE, 1888.

9. WEST MAITLAND CATTLE SALE-YARDS BILL (*Formal Motion*):—*Mr. Lyne*, for *Mr. Bruncker*, moved, pursuant to Notice,—
- (1.) That the West Maitland Cattle Sale-yards Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Thompson*, *Mr. Gould*, *Mr. See*, *Mr. Fletcher*, *Mr. Day*, *Mr. Creer*, *Mr. Frank Farnell*, and the Mover.
- Question put and passed.
-

VOTES No. 103. THURSDAY, 14 JUNE, 1888.

4. WEST MAITLAND CATTLE SALE-YARDS BILL:—*Mr. Bruncker*, 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 consideration and report this Bill was referred on 12th June, 1888, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1887-8.

WEST MAITLAND CATTLE SALE-YARDS BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 12th June, 1888, the "*West Maitland Cattle Sale-yards Bill*," beg to report to your Honorable House :—

That they have examined the witnesses named in the List* (whose See list, page 3 evidence will be found appended hereto), and the Preamble as amended having been satisfactorily proved to your Committee they proceeded to consider the Bill in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them with an amended Preamble.

JAMES N. BRUNKER,
Chairman.

No. 3 Committee Room,
Sydney, 14 June, 1888.

PROCEEDINGS OF THE COMMITTEE.

 THURSDAY, 14 JUNE, 1888.

MEMBERS PRESENT:—

Mr. Brunker,	|	Mr. Day,
Mr. Creer,		Mr. Gould,
	Mr. See.	

Mr. Brunker called to the Chair.
 Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.
 Printed copies of the Bill *referred*, together with the original Petition to introduce the same before the Committee.

Present: Ernest Broad, Esq. (*Solicitor for the Bill*).

John Gillies, Esq. (*Mayor of West Maitland*), called in, sworn, and examined.

Witness withdrew.

Henry Crothers, Esq. (*Alderman, West Maitland*), called in, sworn, and examined.

Witness withdrew.

Oliver K. Young, Esq. (*Alderman, West Maitland*), called in, sworn, and examined.

Room cleared.

Committee deliberated.

John Gillies, Esq., called in, and further examined.

Room cleared.

Committee deliberated.

John Gillies, Esq., called in, and further examined.

Witness withdrew.

Preamble considered, and *amended*.*

Question,—“That this Preamble as amended stand part of the Bill”—put and passed.

Solicitor called in and informed.

Clauses 1 to 7 read, and *agreed* to.

Clause 8 read, amended,* and *agreed* to.

Clauses 9 to 23 read, and *negatived*.*

Clause 24 9 read, and *agreed* to.

Schedule read, and *agreed* to.

Title read, and *agreed* to.

Chairman to report the Bill to the House with amendments and an amended Preamble.

* See Schedule of Amendments

 SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line 7. *After* “money” *insert* “by debentures secured upon a mortgage of the said property and of the rates, fees, and tolls to be levied thereat or the general revenue of the said Borough from whatever source arising as in the opinion of the said Council may be deemed most expedient.”

„ 2, clause 8, line 40. *After* “shall” *insert* “after purchase”

Pages 2, 3, and 4. *Omit* clauses 9 to 23.

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1887-8.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WEST MAITLAND CATTLE SALE-YARDS BILL.

THURSDAY, 14 JUNE, 1888.

Present:—

MR. BRUNKER,
MR. CREER,

MR. SEE.

MR. DAY,
MR. GOULD,

J. N. BRUNKER, ESQ., IN THE CHAIR.

Ernest Broad, Esq., Solicitor, appeared on behalf of the promoters of the Bill.

John Gillies, Esq., called in, sworn, and examined:—

1. *Chairman.*] You are Mayor of the borough of West Maitland? I am.
2. The Municipal Council deem it advisable, in the interests of the ratepayers, that the privileges asked for in this Bill should be granted? They have requisitioned us to apply for the Bill.
3. You are aware that West Maitland occupies a central position, and that it is supposed to be one of the best stock markets of the northern line, if not, of the Colony? We regard it as the best stock market in the Colony.
4. It supplies all the requirements of Newcastle, Gosford, The Paterson, and all the surrounding districts? Yes.
5. Can you state the number of stock sold annually in the yards? This movement was initiated in 1887, and we had a rough estimate prepared from information supplied by the auctioneers, but I believe the figures now are greater than they were then. In 1886 the number of cattle sold at the yards was 45,250; of horses, 1,522; of sheep, 170,220; of calves, 1,560; and of pigs, 11,816.
6. Considering the large amount of stock which passes through the yards, I suppose you believe that the returns by way of rates will give a fair return on the capital which you intend to invest? Yes; the income on the quantity of stock which I have stated at the rates fixed by the Council would be £1,462 8s. 10d. per annum; but since 1886 more stock has been sold.
7. Have arrangements been made, in accordance with the terms of the Municipalities Act, to borrow money to purchase land for the erection of sale-yards? Every step has been taken, in accordance with the Act, under the advice of the solicitor of the Council.
8. The site which you propose to purchase is the one where sales have been conducted for the last thirty years? Yes.
9. And it is a most central situation? Yes.
10. *Mr. Day.*] I suppose that this matter has been before the Council? Repeatedly.
11. Have the Council always been unanimous on the subject? Both the Council and the townspeople.
12. The general feeling of the public is in favour of the erection of the yards? Yes; because they conceive that it will be a source of revenue to make up for the wear and tear of the streets in the borough caused by the traffic of stock to the yards. We have no other means of being remunerated.

J. Gillies,
Esq.

14 June, 1888.

- John Gillies,
Esq.
14 June, 1888.
13. Have you taken into consideration the amount of money which these yards will cost? The purchase-money has been fixed, and the amount which we propose to expend in putting the yards into a more convenient condition for the auctioneers and the people having business there has been taken into consideration. I may say that Mr. Brunker has given us all the information in his power, and has assisted us as far as he possibly could in the matter.
14. Have you ever heard of any objection being raised to the erection of the yards? No.
15. *Mr. Gould.*] What is the amount of the purchase-money? About £6,000. We have purchased the yards conditionally on this Bill being passed.
16. You say that these are the yards where all sales invariably take place? Yes; sales have been conducted there for thirty years.
17. So that no other yards will be interfered with? There are no other yards in the district.
18. *Mr. Day.*] I notice that in the Bill you are allowed to charge fees within a radius of 2 miles of the yards. Will that distance extend outside the municipal boundary? Yes, to the west. A corner of the yards is out of the boundary of the municipality. That distance will be about a mile and three quarters out of the boundary, but we shall not interfere with any other municipality.
19. *Mr. Gould.*] Are there any other yards within 2 miles? No; the nearest yards are at Singleton, 30 miles away.
20. *Mr. Day.*] Who owns the present sale-yards? The Hon. John Eales and Mr. Adams.
21. Are they good yards? They are not in the condition in which the auctioneers would wish to have them, but the auctioneers having only a leasehold do not feel justified in improving them. The Council would put them in good condition to make them convenient for buyers and sellers.
22. *Mr. Gould.*] Is it desirable that you should have power to borrow money on the security of the rates, fees, and tolls, to be levied at the yards or any other yards? Yes.
23. I see that under clause 3 you ask for power to borrow money upon the general revenue of the borough from whatever source arising. Do you consider it desirable that such a power should be taken in respect to these sale-yards? We consider it absolutely necessary before we can purchase them. Under the Act we are allowed to borrow five times the amount of our annual rates, and we have already obtained permission from the Governor-in-Council to borrow to that extent—£20,000. One of the objects stated to the Government was the purchase of these yards.
24. *Mr. Day.*] Do you consider it necessary not only to mortgage the present sale-yards, but also to pledge the borough rates for the purpose? We do not propose to mortgage them at present; but we do not know what we may require in the future for other works in the borough.
25. *Mr. Gould.*] What we want to know is why you consider it expedient to take power to borrow money on the general revenue of the borough to provide funds for the purchase and maintenance of the yards? We have no other means of obtaining money to pay for the yards unless we borrow on the general rates.
26. *Mr. Day.*] Do you consider that you would not be able to borrow sufficient money on the yards to pay for them without resorting to the general rates? We have provided for the purchase out of the money that we are going to borrow.
27. What money do you think you could raise on the site of the yards? I think we could raise £4,000.
28. And you think it is necessary for you to have power to mortgage the rates for the other £2,000 or £3,000 required? We think that is a wise provision.
29. You think that you would not be able to get along unless you had power to pledge the rates as well as the yards? Without that power we might not be able to extend the yard and improve them as the auctioneers would wish.
30. *Mr. Gould.*] Is there any necessity for you to borrow £10,000 in addition to the £20,000 which you have already got permission to borrow? We think that we may require to do so in the course of a few years. We already have an overdraft of £5,000. The expenditure of this money has been incurred in the protection of the flood-gates. We wish to pay that amount off.
31. Have you not made ample provision out of the £20,000 loan to pay the additional £2,000 for the yards over the amount that you can borrow on them? Undoubtedly we have.
32. Then you would not require to borrow money on the yards at the present time? Certainly not.
33. *Mr. See.*] But I understand that you think it possible that you may have to undertake other permanent works in connection with the municipality? Yes, and this provision is our safeguard.
34. The purchase of these sale-yards might really become a difficulty with you unless you had power to borrow sufficient money to pay for them irrespective of your power to borrow for other improvements? Yes.
35. *Mr. Gould.*] Can you tell me why it has been considered necessary to make provision in the 9th clause of the Bill, that if there should be any disagreement as to the amount of the purchase-money for the yards, the matter shall be determined by arbitration? We thought that it would facilitate matters in the event of the vendors wishing to draw out of the bargain which they have already signed. There was one piece of land, the price of which was not quite complete, and we thought that perhaps some objection might be raised with regard to that, and this provision is merely a safeguard.
36. Have the owners of the land agreed to have the matter of payment settled by arbitration? No. They have given us their price in writing.
37. And the Council's solicitor has prepared a contract between the vendors and the buyers? Yes.
38. *Chairman.*] What is the nature of the contract between the Council and the vendors? The contract with Mr. Eales is that he will take £5,000 for his two portions of the land, one on either side of Mr. Adams' block, on condition that this Bill passes. We are bound to give the £5,000, and he is bound to sell, that is in writing. Mr. Adams' block is between Mr. Eales' two blocks, and he has asked £1,500 for it. That offer is in writing, but he has said that if certain things transpire in the meantime he may give it for £200 or £300 less.
39. *Mr. Creer.*] Is there anything in writing about his giving it to you for less? No.
40. *Mr. Gould.*] There is a binding contract on the part of Mr. Adams to sell to you for £1,500 if the Bill passes? Yes.
41. He can compel you to pay that amount, and you can compel him to sell? That is as I take it.
42. *Mr. See.*] If we gave you power to go to arbitration you would not be likely to compel him to resort to that course? No.

ON THE WEST MAITLAND CATTLE SALE-YARDS BILL.

Henry Crothers, called in, sworn, and examined:—

43. *Chairman.*] You are an alderman of the borough of West Maitland? Yes.
44. Have you ever heard of any objection being raised by the ratepayers to the action of the Council with reference to the purchase and erection of these sale-yards? None whatever. They are all in favour of it.
45. The Council deem it necessary to establish the yards in the interests of the ratepayers? Yes.
46. I suppose you are of opinion that an improvement in the yards would be an advantage to vendors and to buyers, and to the public generally? It is very necessary to have improved yards. At present the accommodation is not at all adequate.
47. Arrangements have been made for the purchase of the yards? All the arrangements are complete, subject to the passing of this Bill.
48. You believe that the income will be sufficient to recoup the ratepayers for the outlay? Yes, and leave something handsome for them.
49. *Mr. Gould.*] Do you think it desirable that the Council should have power to borrow money on the security of the yards? Yes.
50. Do you consider that the power to borrow a sum not exceeding £10,000 is ample for all purposes required? We will not require that amount for the yards.
51. Will it be necessary to charge fees in order to carry on the management of the yards? Yes.
52. Are fees charged at present for the use of the yards? The Council knows nothing about that.
53. Are all the auctioneers in accord with the desire of the Council to purchase the yards? As far as we know they are. They have supplied us with every information that we have asked for. They have offered no opposition. On the contrary, they have assisted us in every way.
54. *Mr. Creer.*] These yards are not likely to interfere with any other yards? No; there are no other yards nearer than Singleton.
55. *Mr. Day.*] Have you heard any objection by parties who own land outside the Municipality? No. All the land-owners are perfectly aware of the nature of the Bill.
56. *Mr. Broad.*] Do you think it reasonable that the Council should have power to charge fees on cattle brought to the yards within 2 miles of the Council's boundaries? I think so; that is to protect us.
57. *Chairman.*] Although the 2 miles radius will be outside the boundary of the Municipality on the western side, will it not be within the extended area? Not on that side.

H. Crothers,
Esq.
14 June, 1888.

Oliver K. Young, called in, sworn, and examined:—

58. *Mr. Broad.*] You are an alderman of the Borough of West Maitland? Yes.
59. How long have you been an alderman? Over twelve months.
60. Do you know when this question of the sale-yards was brought before the Council? It has been before the Council for some time.
61. Are the Council unanimous in their desire to carry out the objects of the Bill? Yes.
62. Have you ever heard any objection from the ratepayers? No.
63. Are you of opinion that it would greatly benefit the Municipality if the Bill became law? I think it would benefit the Municipality very much.
64. Do you think that the returns would be sufficient to compensate the Council for the outlay? Yes; they would do more than that.

O. K. Young,
Esq.
14 June, 1888.

1887.
(THIRD SESSION.)

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

YASS ROMAN CATHOLIC CHURCH LAND
SALE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
26 *October*, 1887.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

1887.

(THIRD SESSION.)

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES No. 12. THURSDAY, 13 OCTOBER, 1887.

5. **YASS ROMAN CATHOLIC CHURCH LAND SALE BILL** (*Formal Motion*) :—Mr. Colls moved, pursuant to Notice,—
- (1.) That the Yass Roman Catholic Church Land Sale Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Day, Mr. Teece, Mr. Garrett, Mr. Gormly, Mr. Ball, Mr. O'Sullivan, Mr. Holborow, Mr. Frank Farnell, and the Mover.
- Question put and passed.
-

VOTES No. 17. WEDNESDAY, 26 OCTOBER, 1887.

6. **YASS ROMAN CATHOLIC CHURCH LAND SALE BILL** :—Mr. Colls, 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 consideration and report this Bill was referred on 13th October, 1887, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
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1887.
(THIRD SESSION.)

YASS ROMAN CATHOLIC CHURCH LAND SALE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred on the 13th October, 1887,—the “*Yass Roman Catholic Church Land Sale Bill*”—beg to report to your Honorable House:—

That they have examined the witness named in the margin* (whose ^{*Right} evidence will be found appended hereto); and the Preamble having been satisfac- ^{Rev. Wm.} torily proved to your Committee, they proceeded to consider the Bill, in which it ^{Lanigan, D.D.} was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

THOMAS COLLS,
Chairman.

No. 3 Committee Room,
Sydney, 26th October, 1887.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 25 OCTOBER, 1887.

MEMBER PRESENT :—

Mr. Colls.

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

WEDNESDAY, 26 OCTOBER, 1887.

MEMBERS PRESENT :—

Mr. Colls,
Mr. Teece,

Mr. O'Sullivan.

Mr. Day,
Mr. Frank Farnell,

Mr. Colls called to the Chair.
Entry from Votes and Proceedings, appointing the Committee, read by the Clerk.
Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.

Present :—H. M. Faithfull, Esq., for E. A. Iceton (*Solicitor for the Bill*).

The Right Reverend William Lanigan, D.D. (*Bishop of Goulburn*), called in, sworn, and examined.

Witness *produced* a map of the allotments referred to in the Schedule of the Bill.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clauses 1 and 2 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

1887.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

YASS ROMAN CATHOLIC LAND SALE BILL.

WEDNESDAY, 26 OCTOBER, 1887.

Present:—

MR. COLLS,
MR. DAY,

MR. F. FARNELL,
MR. O'SULLIVAN,

MR. TEECE.

T. COLLS, ESQ., IN THE CHAIR.

The Right Rev. William Lanigan, D.D., Bishop of Goulburn, called in, sworn, and examined:—

1. *Chairman.*] You are one of the trustees mentioned in the preamble of this Bill? Yes.
2. Who are the other trustees? The Rev. Patrick Dunn, and Morgan O'Connor, a doctor at Wagga.
3. Do you produce the deeds mentioned in the preamble and Schedule? I was not aware of the necessity of producing the deeds. I produce a map which shows the position of these allotments in the town of Yass. [*Produced.*] It shows five allotments, Nos. 6, 7, 8, 9, 10, in the town. In 1871 an Act was passed in which we were named as the trustees of these five allotments. It gave us as trustees power to sell three allotments, saying nothing about the other two. The fact was that we thought we had the right to sell those two allotments. We now apply for the right to do so, and we take this course because we have already sold the larger portion of the allotments, for which we got a legal right to sell. The Commercial Bank has a very fine building at the corner of Mehan and Comur Streets. The post and telegraph offices are erected next to that building. The sale of this property was a great benefit to the town of Yass, because it was in an important situation. It improved the town, and our object in asking for this Bill is principally for the convenience of those people who have purchased the other allotments, and who want to purchase the balance, which appear to be included in the Act of 1871, but which are not so included.
4. *Mr. Day.*] You had a certain block of land in the town of Yass for church and school purposes? Yes.
5. You sold nearly one-half of it? The larger portion of it.
6. Then in order to give these people access to the allotments which you sold to them you proclaimed a right-of-way? We did.
7. Now you find that when they want to make use of that right-of-way you have no legal power to give it to them? We have no legal power.
8. Although the land belongs to the church you have no legal power to give them the right-of-way which you have contracted to give them? No.
9. And if they had not this right-of-way they would not be able to get on to this land? Their land comes to the public street. It is necessary for their convenience that they should have a right-of-way to their back premises.
10. Have you any buildings on the portions on the other side of the right-of-way? There are no buildings on the two allotments for which we wish power to sell. The church and school and other buildings are on distinct Government grants? These allotments were not Government grants, they were bought by private parties.
- 11.

The Right
Rev. W.
Lanigan, D.D.
26 Oct., 1887.

The Right
Rev. W.
Lanigan, D.D.
26 Oct., 1887.

11. *Chairman.*] Are you aware that Howard, Caspers, and Hereford, to whom you sold the three allotments, built on all the frontage, and then applied to you for a right-of-way to their back premises? Caspers purchased a portion in Comur-street, with a right-of-way from that street. He then applied to us to get this lane to his back premises, and we sold it to him for his convenience. He then closed the way which he had left before from the principal street. I think that the post and telegraph offices have also applied for a lane to their back premises, and the mistake that we had not the right to give them this lane was discovered only when I actually sent down the document to the Crown Solicitor. He stated that we had no right to sell those two allotments.
12. *Mr. Day.*] The Government applied for a right-of-way to the post and telegraph offices? Yes.
13. You are willing to give it to them? Yes; but we have not legal power at present.
14. *Chairman.*] The trustees want power to sell the land, and to provide for the appropriation of the proceeds? We do.
15. All the trustees concur in that desire? Yes, they do.
16. Are all the parishioners agreeable to the sale of this land? I have not asked them publicly, but they are aware that we are selling this land. I have heard of no objection from any one.
17. *Mr. Day.*] You gave public notice in the newspapers of your intention to apply for this Bill? It was notified in the local papers.
18. And you believe that it is for the benefit of the church that the land should be sold? I believe it is.
19. You intend to apply the proceeds in or towards the erection, maintenance, and support of a Roman Catholic School and teacher's residence in the town of Yass? We do.
20. Or in and towards purchase for that purpose of a building or buildings in the said town? Yes.
21. The lands referred to are not required as a site for a Roman Catholic Church at Yass, nor for the enlargement of the present site? They are not.
22. All the trustees are agreeable to the Bill? They are.
23. The whole of the parishioners are agreeable? As far as I have reason to judge they are.
24. And no one has objected? I have heard no objection.
25. These two allotments were bought by private parties, and for the use of the church? Yes.
26. And dedicated to the church? Yes.
27. They were not granted by the Government for church purposes? No. These five allotments were purchased a number of years ago by private parties for church purposes. They are not the Government grants. The other four allotments are the Government grants. I beg to call the attention of the Committee to this fact, that the Act of 1871 gave power to the trustees to sell allotments Nos. 8, 9, and 10, and that it recites the parties named in this Bill as trustees for allotments Nos. 6 and 7, which would supply the place of my not having the deeds.